

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION**

**RELIA ANN SCOTT, et al.,**

**Plaintiffs,**

**v.**

**FORD MOTOR COMPANY, et al.,)**

**Defendants.**

2007 OCT -5 P 4: 02

)  
) DEBRA P. HACKETT, CLK  
) U.S. DISTRICT COURT  
) MIDDLE DISTRICT ALA

)  
) CASE NO. CV

3:07-CV-901-WC

**NOTICE OF REMOVAL**

COMES NOW the Defendant, FORD MOTOR COMPANY ("Ford"), a Corporation, and files this Notice of Removal of this action from the Circuit Court of Macon County, Alabama, to the United States District Court for the Middle District of Alabama, Eastern Division. In support thereof, this Defendant respectfully shows unto the Court as follows:

**BACKGROUND OF THIS ACTION**

1. This suit was originally filed on July 9, 2007, in the Circuit Court of Macon County, Alabama. A complete copy of the complaint along with all state court pleadings are attached as Exhibit "A" and are incorporated herein by reference.

2. At the time of the original filing, the Plaintiffs named Keith Blakemore d/b/a KB CAR CARE and Harold Emmers, Jr. as Defendants in addition to Defendant

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Ford Motor Company.

3. Plaintiffs' Complaint contained only a general *ad damnum* clause demanding judgment "for compensatory and punitive damages in an amount to be determined by the jury in accordance with Alabama law". (Plaintiffs' Complaint at pp. 6, 7, 9, 10 and 11, Exhibit "A").

4. Following receipt of Plaintiffs' Complaint, Ford served Requests for Admission to Plaintiffs: Linda Emmers, Arthur Billings, Susie Emmers and Relia Ann Scott on August 9, 2007. (Attached hereto collectively as Exhibit "B"). In addition, Ford served Requests for Admission to Plaintiff Bonita Billings on August 13, 2007. (Attached hereto as Exhibit "C").

5. Thereafter, on April 7, 2007, Plaintiffs served upon Circuit Court Clerk, David R. Love, their "Notice of Service of Discovery Documents" enclosing Plaintiffs', Susie Emmers, Relia Ann Scott, Linda Emmers, Bonita Billings and Arthur Billings, "Responses to Ford Motor Company's Requests for Admission". (Notice of Intent attached hereto as Exhibit "D").

6. In each respective Response to Ford's Requests for Admission, each individual Plaintiff **admitted** they were seeking to recover "monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive

of interest and costs.” (See Plaintiffs’ Responses to Ford’s Requests for Admission, attached hereto collectively as Exhibit “E”).

7. Thus, only after receipt of Plaintiffs’ Responses to Ford’s Requests for Admission, does it appear that Ford’s counsel has been put on notice of the Plaintiffs’ intent to seek damages in excess of \$75,000.00.

#### **THE PLAINTIFF**

8. Upon information and belief, and as pled in the Plaintiffs’ Complaint, the Plaintiffs are all residents of the State of Texas.

#### **THE REMOVING DEFENDANT**

9. At all times referred to in the Complaint, including on the date of filing the Complaint, the Defendant Ford was, and is, a foreign corporation organized and existing under the laws of the State of Delaware with their principal place of business in the State of Michigan.

#### **THE FRAUDULENTLY JOINED DEFENDANTS**

10. At all times referred to in Plaintiffs’ Complaint, and at the present time, the Defendant Keith Blakemore d/b/a KB CAR CARE was, and is, an unincorporated business operating solely in Harris County, Texas. For the purposes of this Notice of Removal, Defendant Blakemore d/b/a KB CAR CARE is to be ignored as he has been fraudulently joined.

11. At all times referred to in Plaintiffs' Complaint, and at the present time, the Defendant Harold Emmers, Jr. was, and is, an individual resident of Harris County, Texas. For the purposes of this Notice of Removal, Defendant Emmers is to be ignored as he has been fraudulently joined.

### **THE FICTITIOUS DEFENDANTS**

12. The Plaintiffs' Complaint purports to join as defendants the persons, corporations, or other legal entities listed as Fictitious Defendants "A through G". Under 28 U.S.C. § 1441(a), for purposes of removal, the citizenship of defendants sued under fictitious names is to be disregarded.

### **GROUND FOR REMOVAL**

13. This case is being removed pursuant to 28 U.S.C. §1441 et seq., inasmuch as this action could have originally been brought in this Court pursuant to 28 U.S.C. §1332.

14. Pursuant to 28 U.S.C. § 1446 (b), "a notice of removal may be filed within thirty days after receipt by the defendant, through service or otherwise, of a copy of an amended pleading, motion or other paper from which it may first be ascertained that the case is one which is or has become removable . . . " Thus, the thirty (30) day window in which a defendant must remove a case begins to run only when that defendant receives notice -- in whatever form -- that the case is now

removable. In the instant case, Notice of Removal is being filed within thirty (30) days of the receipt of Plaintiffs' Responses to Ford's Requests for Admission. (Exh. "E", *supra*).

15. This Notice of Removal is also timely filed because it is being submitted within one (1) year from the July 9, 2007, date of commencement of the action.

16. A true and correct copy of this Notice of Removal is being served on counsel for Plaintiffs this date.

17. No special bail was or is required in this action.

**JURISDICTION UNDER 28 U.S.C. §1332**

18. This action could have originally been brought in this Court under 28 U.S.C. §1332 in that it is a civil action wherein there is complete diversity of citizenship and the matter in controversy exceeds seventy-five thousand and no/100 dollars (\$75,000) exclusive of interest and costs. (See discussion of fraudulent joinder, *infra*). Congress established the removal process to protect defendants. Congress "did not extend such protection with one hand, and with the other give plaintiffs a bag of tricks to overcome it." Legg v. Wyeth, 428 F.3d 1317, 1325 (11th Cir. 2005) *citing* McKinney v. Bd. of Trustees of Mayland Cmty. Coll., 955 F.2d 924, 928 (4th Cir. 1992).

19. Plaintiffs' suit arises from a single vehicle automobile crash that occurred as Plaintiffs were traveling Southbound on I-85 at or between the Franklin, Alabama city limit.

20. Plaintiffs' Complaint seeks compensatory and punitive damages. Plaintiffs' responses to Ford's Requests for Admission specifically notice the Plaintiffs' intent to seek in excess of \$75,000.00 separately in both compensatory and punitive damages. Therefore, Plaintiffs' claims call into controversy amounts in excess of \$75,000 exclusive of interest and costs.

### **FRAUDULENT JOINDER**

21. Fraudulent joinder is a judicially-created doctrine that provides an exception to the requirement of complete diversity. *Triggs v. John Crump Toyota, Inc.*, 154 F.3d 1284, 1287 (11th Cir. 1998). Fraudulent joinder is found in three (3) instances: *first*, **where there is no possibility that the plaintiff can establish a cause of action against the non-diverse defendant in state court**; *second*, where there has been outright fraud in the plaintiffs' pleadings of jurisdictional facts; *third*, where a diverse defendant is joined with a non-diverse defendant to whom there is no joint, several or alternate liability and where the claim against the diverse defendant has no real connection to the claim against the non-diverse defendant. See, e.g., *B, Inc. v. Miller Brewing Co.*, 663 F.2d 545, 549 (5th Cir. 1981) (providing a description

of the first and second type of fraudulent joinder), *Keating v. Shell Chemical Co.*, 610 F.2d 328 (5th Cir. 1980) (providing same) and *Triggs, supra*, 154 F.3d at 1287 (adding the third type of fraudulent joinder).

22. As to Defendant Keith Blakemore d/b/a KB Car Care, Plaintiffs have failed to show, and cannot show, that *in personam* jurisdiction exists over Keith Blakemore d/b/a KB Car Care in the State of Alabama. Likewise, Plaintiffs have failed to assert a valid cause of action against the driver of the subject vehicle, Harold Emmers, Jr., under § 32-1-2, Ala. Code 1975 (“Alabama Guest Statute”). Therefore, there is no possibility that the Plaintiffs can establish a cause of action against either of the non-diverse defendants in state court.

23. Keith Blakemore d/b/a KB Car Care is an unincorporated business organized, existing and operating solely under the laws of the State of Texas with its principal place of business in Harris County, Texas. Keith Blakemore d/b/a KB Car Care’s presence in this litigation is to be ignored with respect to determining diversity as it has been fraudulently joined and is due to be dismissed based on a lack of *in personam* jurisdiction.

24. The test or standard used in Alabama courts pursuant to *Ala. R. Civ. P. 4.2 for determining whether in personam jurisdiction exists for a non-Alabama* defendant is the same due process analysis adopted by the federal courts following

*International Shoe Co. v. Washington*, 326 U.S. 310 (1945), *World-Wide Volkswagen Corp. v. Woodson*, 444 U.S. 286 (1980), and their progeny based on the due process protections under the Fourteenth Amendment. See *Ex parte Troncalli Chrysler Plymouth Dodge, Inc.*, 876 So. 2d 459 (Ala. 2003), *Sudduth v. Howard*, 646 So. 2d 664, 667 (Ala. 1994).

25. As this Court is aware, the United States Supreme Court has identified two (2) types of *in personam* jurisdiction: specific and general jurisdiction. See *Huey v. Am. Truetzschler Corp.*, 47 F. Supp. 2d 1342, 1346 (M.D. Ala. 1999) (citing *Helicopteros Nacionales de Columbia, S.A. v. Hall*, 466 U.S. 408, 414 nn. 8, 9, 104 S. Ct. 1868, 1872 nn. 8, 9, 80 L. Ed. 2d 404 (1984)).

26. To constitute “minimum contacts” for purposes of specific *in personam* jurisdiction, each defendant's contacts with the applicable forum must satisfy three (3) criteria: *first*, the contacts must be related to the plaintiff's cause of action or have given rise to it; *second*, the contacts must involve some act by which the defendant purposefully avails itself of the privilege of conducting activities within the forum, thus invoking the benefits and protections of its laws; *third*, the contacts must be such that the defendant should reasonably anticipate being haled into court in the forum. See *id.* (citing *Vermeulen v. Renault, U.S.A., Inc.*, 985 F.2d 1534, 1546 (11th Cir. 1992), cert. denied, 508 U.S. 907, 113 S. Ct. 2334, 124 L. Ed. 2d 246 (1993)).



27. Keith Blakemore d/b/a KB Car Care does not have any contacts, much less sufficient “minimum contacts”, with the State of Alabama to suffice the due process requirements in order for a non-Alabama defendant, such as itself, to be haled into an Alabama court. Keith Blakemore d/b/a KB Car Care is located in Harris County, Texas, where it conducts its business. Upon information and belief, Keith Blakemore d/b/a KB Car Care does not now have, nor has it ever had, any offices, employees or agents located in, or doing business in, the State of Alabama

28. Thus, Keith Blakemore d/b/a KB Car Care does not have any contacts with the State of Alabama. As a result, Keith Blakemore d/b/a KB Car Care clearly does not have sufficient “minimum contacts” within the State of Alabama nor has it “purposefully availed” itself of the benefits of this State where it should “reasonably expect to be haled into court in the forum state,” of Alabama. Simply stated, Counsel for Plaintiffs has included Keith Blakemore d/b/a KB Car Care, a fraudulently joined, non-diverse defendant, in order to attempt to destroy complete diversity even though *in personam* jurisdiction is lacking.

29. Likewise, Keith Blakemore d/b/a KB Car Care does not satisfy the well-established analysis that Alabama state and federal courts must perform in determining whether general *in personam* jurisdiction exists over an out-of-state defendant. General contacts, which give rise to general *in personam* jurisdiction,

consist of the defendant's contacts with the forum state that are unrelated to the cause of action, and that are both "continuous and systematic." See *Worthy v. Cyberworks Tech., Inc.*, 835 So. 2d 972, 975-76 (Ala. 2002) (citing *Helicopteros Nacionales de Columbia, S.A. v. Hall*, *supra*, 466 U.S. at 414, n. 9) (citations omitted).

30. Keith Blakemore d/b/a KB Car Care is in the business of providing automotive maintenance and repair services, and operates in Harris County, Texas. Indeed, Plaintiffs do not even attempt to allege in their Complaint that Keith Blakemore d/b/a KB Car Care satisfies the requirements necessary for establishing *in personam* jurisdiction in this case. (Plaintiffs' Complaint at ¶ 7). Therefore, Alabama, the forum state, clearly lacks general *in personam* jurisdiction over Keith Blakemore d/b/a KB Car Care.

31. Because Keith Blakemore d/b/a KB Car Care does not satisfy either the specific or general *in personam* jurisdiction analysis required by the due process protections under the Fourteenth Amendment, the State of residence for Keith Blakemore d/b/a KB Car Care for diversity purposes should not be considered as it is a fraudulently joined defendant.

32. Like Keith Blakemore d/b/a KB Car Care, there is no possibility that the Plaintiffs can establish a cause of action against Defendant Harold Emmers, Jr. in state court.

33. As stated in Plaintiffs' Complaint, Defendant Harold Emmers, Jr. was the "operator" and "driver" of the subject vehicle at the time of the subject single vehicle crash. (Plaintiffs' Complaint at ¶ 17 and 20). Therefore, any cause of action brought against Defendant Emmers is governed by the Alabama Guest Statute.

34. The Alabama Guest Statute states,

The owner, operator or person responsible for the operation of a motor vehicle shall not be liable for loss or damage arising from injuries to or death of a guest while being transported without payment therefor in or upon said motor vehicle, resulting from the operation thereof, unless such injuries or death are caused by the willful or wanton misconduct of such operator, owner or person responsible for the operation of said motor vehicle.

§ 32-1-2, Ala. Code 1975.

35. It is undisputed that the only valid claim to be brought by a passenger against the "owner, operator, or person responsible for the operation of a motor vehicle" is one of willful or wanton misconduct.

36. In this case, the sole cause of action alleged against Defendant Emmers by the Plaintiffs is one sounding in negligence. (Plaintiffs' Complaint at ¶ 39). Although Plaintiffs' assert wantonness against Defendant Ford, they do not make that same allegation against Defendant Emmers. (Plaintiffs' Complaint at ¶ 43-46). Therefore, there can be no dispute that the Plaintiffs' have failed to allege a cause of action against Defendant Emmers wherein there is the possibility that the Plaintiffs can establish a cause of action against that Defendant.

37. Because no valid claim exists against Harold Emmers, Jr., the State of residence of Harold Emmers, Jr. for diversity purposes should not be considered as he is a fraudulently joined defendant.


38. Lending further credibility with respect to Defendant Emmers' fraudulent joinder was the filing on September 17, 2007, of Defendant Emmers' Answer and Cross-Claim Against Ford Motor Co. (See attached Exhibit "A"). One might think that given the undisputed and baseless allegations brought against him by, among others, his wife, Mr. Emmers would have filed a Motion to Dismiss the claims pursuant to Ala. R. Civ. P. 12(b)(6). However, instead of making such an argument, Emmers instead answered the Plaintiffs' Complaint and asserted his own Cross-Claim against Ford, thus evidencing the clear collusion between Plaintiffs and Defendant Emmers to fraudulently defeat jurisdiction in this case.

39. This suit is removed to this Court, under and by virtue of the Acts of Congress of the United States, and the Defendant Ford Motor Company is desirous of removing said cause to this Court.

WHEREFORE, PREMISES CONSIDERED, the Defendant prays that the above-entitled cause be removed to the United States District Court for the Middle District of Alabama, Eastern Division, according to the statutes in such case made and provided.

DONE this the 5th day of October, 2007.

Respectfully submitted,

  
D. Alan Thomas  
H. Lanier Brown, II  
John Isaac Southerland  
Attorneys for Defendant,  
FORD MOTOR COMPANY

**OF COUNSEL:**

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**CERTIFICATE OF SERVICE**

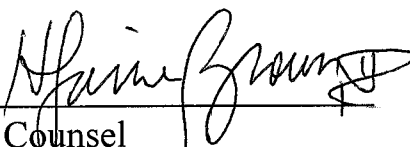
I hereby certify that I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to those attorneys registered and I have placed a copy of the foregoing to the attorneys not set up for email notification in the United States Mail, postage prepaid and properly addressed, on this the 5th day of October, 2007.

Walter McGowan, Esq.  
GRAY, LANGFORD, SAPP, McGOWAN, GRAY,  
GRAY & NATHANSON, P.C.  
P. O. Box 830239  
Tuskegee, AL 36083-0239

Keith Blakemore d/b/a Car Care  
4703 A Plainfield  
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10830 Harvest Sun Drive  
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Of Counsel

# **DEFENDANT'S EXHIBIT A**

IN THE CIRCUIT COURT OF  
MACON COUNTY, ALABAMA

FILED IN  
CIRCUIT CLERKS OFFICE  
MACON COUNTY, AL

2007 JUL -9 P 2:52

DAVID LOVE  
CIRCUIT CLERK

RELIA ANN SCOTT, as Administratrix of §  
the Estate of NATHAN BILLINGS, Deceased; §  
ARTHUR BILLINGS & BONITA §  
BILLINGS, Individually & as Next Friend §  
of B [REDACTED] B [REDACTED], a minor; §  
SUSIE M. EMMERS, as Administratrix of §  
the Estate of APRIL JONES EMMERS, §  
Deceased; LINDA EMMERS, Individually & §  
as Next Friend of A [REDACTED] E [REDACTED], §  
a minor; and HAROLD EMMERS III, §

Plaintiffs, §

VS. §

FORD MOTOR COMPANY, §  
KEITH BLAKEMORE d/b/a KB CAR CARE, §  
HAROLD EMMERS, JR., and §  
and FICTITIOUS Defendants A through G, §  
Described herein in Paragraphs 9 through 15, §

Defendants. §

CIVIL ACTION NO. 07-85

**COMPLAINT**

COME NOW, the Plaintiffs in the above-styled action and file this Complaint.

**Statement of the Parties**

1. Plaintiff, Relia Ann Scott, is the duly appointed Administratrix and Personal Representative of the Estate of Nathan Billings. Plaintiff is a resident of Texas, and is over the age of nineteen years.
2. Plaintiffs, Arthur Billings and Bonita Billings individually and, as next friends of B [REDACTED] B [REDACTED] a minor, are residents of Texas and are over the age of nineteen years.
3. Plaintiff, Susie M. Emmers, is the duly appointed Administratrix and Personal



Representative of the Estate of April Jones Emmers. Plaintiff is a resident of Texas and is over the age of nineteen years.

4. Plaintiff, Linda Emmers, individually and as next friend of A [REDACTED] E [REDACTED] a minor, is a resident of Texas and is over the age of nineteen years.

5. Plaintiff, Harold Emmers III, is a resident of Texas and is over the age of nineteen years.

6. Defendant, Ford Motor Company, is a foreign corporation doing business in Macon County, Alabama and in the State of Alabama at large through its agents. Defendant is in the business of designing, manufacturing, assembling and distributing motor vehicles for use by ordinary customers such as Plaintiffs.

7. Defendant Keith Blakemore d/b/a KB Car Care is an unincorporated business operating in Harris County, Texas. Defendant, Keith Blakemore d/b/a KB Car Care, is in the business of providing automotive maintenance and repair services to ordinary customers such as Plaintiffs.

8. Defendant, Harold Emmers, Jr., is an individual resident of Harris County, Texas.

9. Fictitious Defendant A, whether singular or plural, is that person, corporation, or other legal entity who or which designed, manufactured and marketed the 2002 Ford Econoline E350 van bearing VIN 1FBSS31S42HA33919 involved in the occurrence made the basis of this Complaint, or any component of it;

10. Fictitious Defendant B, whether singular or plural, is that person, corporation, or other legal entity who or which had any role in the distributive chain regarding the 2002 Ford Econoline E350 van bearing VIN 1FBSS31S42HA33919 involved in the occurrence made the basis of this

Complaint, or any component of it;

11. Fictitious Defendant C, whether singular or plural, is that person, corporation, or other legal entity who or which had any role in the distributive chain regarding the 2002 Ford Econoline E350 van bearing VIN 1FBSS31S42HA33919 involved in the occurrence made the basis of this Complaint, or any component of it;

12. Fictitious Defendant D, whether singular or plural, is that person, corporation, or other legal entity who or which, prior to the occurrence made the basis of this lawsuit, altered or repaired the 2002 Ford Econoline E350 van bearing VIN 1FBSS31S42HA33919 involved in the occurrence made the basis of this Complaint, or any component of it;

13. Fictitious Defendant E, whether singular or plural, is that person, corporation, or other legal entity who or which conducted safety inspections or analyses with respect to the 2002 Ford Econoline E350 van bearing Fictitious Defendant C, whether singular or plural, is that person, corporation, or other legal entity who or which had any role in the distributive chain regarding the 2002 Ford Econoline E350 van bearing VIN 1FBSS31S42HA33919 involved in the occurrence made the basis of this Complaint, or any component of it;

14. Fictitious Defendant F, whether singular or plural, is that person, corporation or other legal entity, other than those described above, whose negligence, intentional conduct, willfulness, breach of contract, wantonness, or other wrongful conduct contributed to cause the occurrence and damages made the basis of this Complaint;

15. Fictitious Defendant G, whether singular or plural, is that person, corporation or other legal entity which is the successor-in-interest to any of those entities described above;

16. Plaintiffs aver that Defendants A through G are otherwise unknown to Plaintiffs at

this time, or if their names are known to Plaintiffs, their identities as proper party Defendants are not known to Plaintiffs at this time, and their true names will be substituted by amendment when ascertained.

**Statement of the Facts**

17. On or about August 6, 2005, a 2002 Ford Econoline E350 15-passenger van bearing VIN 1FBSS31S42HA33919 (hereafter referred to as the van) operated by Defendant Harold Emmers, Jr., was on a return trip from Atlanta to Houston following a national church convention attended by its eight occupants.

18. After leaving Atlanta and traveling some 100 miles to Macon County, Alabama, the van veered onto the left shoulder.

19. The driver attempted to steer the vehicle back onto the road and the van began rolling over.

20. In addition to the driver, Harold Emmers, Jr., occupants of the van included Linda Emmers, Bonita Billings, Nathan Billings, Harold Emmers III, A [REDACTED] E [REDACTED], B [REDACTED] B [REDACTED] and April Jones Emmers.

21. As the van rolled over after loss of control, its roof collapsed, the glazing broke out, and the seating and restraint systems failed.

22. As a proximate result of the loss of control and rollover, Plaintiffs sustained physical and psychological injuries.

23. Nathan Billings and April Jones Emmers were wrongfully killed.

24. The van was being used as intended and in a reasonably and foreseeable manner.

25. The van was in an unaltered condition from the time of date of manufacture and sale.

26. The van was serviced shortly before the incident by Keith Blakemore d/b/a KB Car Care.

**COUNT ONE**

**(AEMLD against Ford Motor Company and Fictitious Defendants A through G)**

27. Plaintiffs incorporate here the allegations of paragraphs 1 through 26 as if set out here in full.

28. The van was designed, manufactured, distributed and sold by Defendant Ford Motor Company and Fictitious Defendants A through G.

29. This claim is brought in part pursuant to the Alabama Extended Manufacturer's Liability Doctrine.

30. The van was defective and unreasonably dangerous for its intended and foreseeable use.

31. The van at the time of the accident was without substantial change in the condition in which it was manufactured.

32. The van is defective and unreasonably dangerous in:

- (a) design, manufacture, and/or marketing as it relates to the vehicle's characteristics for stability, handling, and/or roll over propensities;
- (b) design and manufacture of the restraint system;
- (c) design and manufacture of the window and glazing systems;
- (d) design and manufacture as it relates to the protection provided to occupants in foreseeable collisions including rollovers.

33. The defective condition of the van was the proximate cause of the Plaintiffs injuries and deaths.

34. As a proximate result of the defective nature of the van, Plaintiffs sustained physical and psychological injuries and Nathan Billings and April Jones Emmers were wrongfully killed.

WHEREFORE, Plaintiffs demand judgment against Defendant Ford Motor Company and Fictitious Defendants A through G for compensatory and punitive damages in an amount to be determined by the jury in accordance with Alabama law.

**COUNT TWO**

**(Negligence against Ford Motor Company, Keith Blakemore d/b/a KB Car Care, Harold Emmers, Jr., and Fictitious Defendants A through G)**

35. Plaintiffs incorporate here the allegations of paragraphs 1 through 34 as if set out here in full.

36. Defendant Ford Motor Company negligently designed, manufactured, tested, sold or otherwise placed into the stream of commerce the dangerous van.

37. Defendant Ford Motor Company negligently warned or failed to warn regarding the dangers from foreseeable use of the product (the van).

38. Defendant Keith Blakemore d/b/a KB Car Care negligently serviced the van.

39. Defendant Harold Emmers, Jr., was negligent, in his operation of the van.

40. Fictitious Defendants A through G negligently designed, manufactured, tested, sold, repaired, maintained, inspected or failed to inspect the dangerous van.

41. Fictitious Defendants A through G negligently warned or failed to warn regarding the dangers from foreseeable use of the van.

42. As a proximate result of the negligence of some or all of the Defendants and the combined and concurring negligence of the Defendants, Plaintiffs sustained physical and

psychological injuries and Nathan Billings and April Jones Emmers were wrongfully killed.

WHEREFORE, Plaintiffs demand judgment against Defendants Ford Motor Company, Keith Blakemore d/b/a KB Car Care, Harold Emmers, Jr. and Fictitious Defendants A through G for compensatory and punitive damages in an amount to be determined by the jury in accordance with Alabama law.

**COUNT THREE**

**(Wantonness against Ford Motor Company and Fictitious Defendants A through G)**

43. Plaintiffs incorporate here the allegations of paragraphs 1 through 42 as if set out here in full.

44. Defendant Ford Motor Company and Fictitious Defendants A through G negligently designed, manufactured, tested, sold or otherwise placed into the stream of commerce the dangerous van.

45. The aforesaid Defendants wantonly warned or failed to warn regarding the dangers from foreseeable use of the van.

46. As a proximate result of the wantonness of these Defendants, Plaintiffs sustained physical and psychological injuries and Nathan Billings and April Jones Emmers were wrongfully killed.

WHEREFORE, Plaintiffs demand judgment against Defendant Ford Motor Company and Fictitious Defendants A through G for compensatory and punitive damages in an amount to be determined by the jury in accordance with Alabama law.

**COUNT FOUR**

**(Breach of Express and Implied Warranties against  
Ford Motor Company and Fictitious Defendants A through G)**

47. Plaintiffs incorporate here the allegations of paragraphs 1 through 46 as if set out here in full.

48. The van is "goods" as defined by the Alabama Uniform Commercial Code ("UCC") and, at the time the van was sold, Defendant Ford Motor Company and Fictitious Defendants A through G were each a "merchant" with respect to goods of this kind.

49. Defendant Ford Motor Company and Fictitious Defendants A through G sold a defective product and marketed that product in a defective manner by expressly and impliedly warranting, among other things, that the van was of merchantable quality and was safe and fit for the purpose intended when used in an ordinary manner; and by not giving adequate warnings of the dangerous propensities of Ford Econoline E350 vans, including the van that rolled over and caused injuries to Plaintiffs on August 6, 2005.

50. Defendant Ford Motor Company and Fictitious Defendants A through G breached the aforesaid express and implied warranties in the following particulars, among others:

- a. Selling vans that were not of merchantable quality, including the van that rolled over and caused injuries to Plaintiffs on August 6, 2005;
- b. Selling vans that were not safe for the purpose intended when used under ordinary conditions and in an ordinary manner, including the van that rolled over and caused injuries to Plaintiffs on August 6, 2005; and
- c. Not giving adequate warning of the dangerous propensities of the Econoline E350 vans, including the van that rolled over and caused injuries to Plaintiffs on August 6, 2005.

51. Defendant Ford Motor Company and Fictitious Defendants A through G expressly

warranted that Ford Econoline E350 vans were safe and fit for the purpose for which they were designed.

52. Defendant Ford Motor Company and Fictitious Defendants A through G breached one or more of the aforesaid warranties.

53. As a proximate result of the aforesaid breach of warranties by Defendant Ford Motor Company and Fictitious Defendants A through G. Plaintiffs sustained physical and psychological injuries and Nathan Billings and April Jones Emmers were wrongfully killed.

WHEREFORE, Plaintiffs demand judgment against Ford Motor Company and Fictitious Defendants A through G for compensatory and punitive damages in an amount to be determined by the jury in accordance with Alabama law.

**COUNT FIVE**

**(Negligent and/or Wanton Failure to Warn of and/or  
Adequately Safeguard Against Deadly Hazards as to  
Ford Motor Company and Fictitious Defendants A through G)**

54. Plaintiffs incorporate here the allegations of paragraphs 1 through 53 as if set out here in full.

55. At the aforesaid time and place, and prior thereto, Defendant Ford Motor Company and Fictitious Defendants A through G negligently and/or wantonly failed to adequately warn of and/or safeguard against the deadly hazards presented by the aforesaid van.

56. As a proximate result of the negligent and/or wanton failure of the Defendant Ford Motor Company and Fictitious Defendants A through G to adequately warn of and/or safeguard against said hazards, the Plaintiffs sustained physical and psychological injuries and Nathan Billings and April Jones Emmers were wrongfully killed on August 6, 2005.



WHEREFORE, Plaintiffs demand judgment against Defendant Ford Motor Company and Fictitious Defendants A through G for compensatory and punitive damages in an amount to be determined by the jury in accordance with Alabama law.

**COUNT SIX**  
**(Crashworthiness as to Ford Motor Company and**  
**Fictitious Defendants A though G)**

57. Plaintiffs reallege all allegations contained in paragraphs 1 through 56 as if set out here in full.

58. Defendant Ford Motor Company and Fictitious Defendants A through G sold, distributed or otherwise placed into the stream of commerce the subject 2002 Ford Econoline E350 van and the component parts thereof.

59. The van as designed and distributed was unreasonably dangerous in that the vehicle was not crashworthy due to its weak roof structure, inadequate seating and restraint systems, and use of tempered glass in the side windows.

60. Said Defendants failed to warn or otherwise notify the intended user or consumer of the dangerously defective conditions.

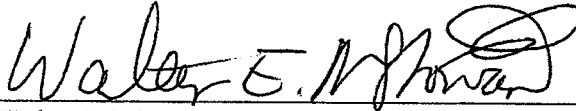
61. The van was not crashworthy in that the vehicle failed to provide reasonable protection to its occupants in a reasonably foreseeable crash mode.

62. The weak roof structure, inadequate seating and restraint systems, and tempered glass in the side window locations allowed the roof to collapse and the occupants to become improperly restrained and contained within the van. Plaintiffs were injured in the rollover, and Nathan Billings and April Jones Emmers were wrongfully killed as they were ejected from the van.

63. As a proximate consequence of the lack of crashworthiness, Plaintiffs sustained

physical and psychological injuries and Nathan Billings and April Jones Emmers were wrongfully killed.

WHEREFORE, Plaintiffs demand judgment against Defendant Ford Motor Company and Fictitious Defendants A through G for compensatory and punitive damages in an amount to be determined by the jury in accordance with Alabama law.

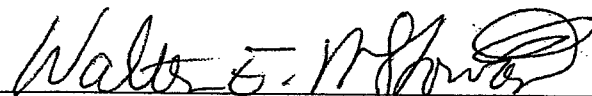
  
Walter McGowan (MCG016)  
Attorney for Plaintiffs

OF COUNSEL:

Gray, Langford, Sapp, McGowan, Gray,  
Gray & Nathanson, P.C.  
Post Office Box 830239  
Tuskegee, Alabama 36083-0239  
Telephone: 334-727-4830  
Facsimile: 334-727-5877

**JURY DEMAND**

PLAINTIFFS DEMAND A TRIAL BY JURY ON ALL COUNTS.

  
OF COUNSEL

State of Alabama  
Unified Judicial System**COVER SHEET****CIRCUIT COURT - CIVIL CASE**  
(Not For Domestic Relations Cases)

Form ARCivP-93 Rev. 5/99

Case Number

CV 2007 0085

Date of Filing:

07 09 2007

Judge Code:

XXX

Month

Day

Year

**GENERAL INFORMATION**IN THE CIRCUIT COURT OF MACON

, ALABAMA

(Name of County)

Relia A. Scott, as Adm. of the Estate of Nathan Billins, deceased

v.

Ford Motor Company, Keith Blakemore d/b/a KB Car Care and Harold Emmers, Jr.

Plaintiff

Defendant

First Plaintiff

☐ Business☒ Individual☐ Government☐ Other

First Defendant

☒ Business☐ Individual☐ Government☐ Other**NATURE OF SUIT:** Select primary cause of action, by checking box (check only one) that best characterizes your action:**TORTS: PERSONAL INJURY**

- ☒ WDEA - Wrongful Death  
☐ TONG - Negligence: General  
☒ TOMV - Negligence: Motor Vehicle  
☒ TOWA - Wantonness  
☒ TOPL - Product Liability/AEMLD  
☐ TOMM - Malpractice-Medical  
☐ TOLM - Malpractice-Legal  
☐ TOOM - Malpractice-Other  
☐ TBFM - Fraud/Bad Faith/Misrepresentation  
☐ TOXX - Other: \_\_\_\_\_

**TORTS: PROPERTY INJURY**

- ☒ TOPE - Personal Property  
☐ TORE - Real Property

**OTHER CIVIL FILINGS**

- ☐ ABAN - Abandoned Automobile  
☐ ACCT - Account & Nonmortgage  
☐ APAA - Administrative Agency Appeal  
☐ ADPA - Administrative Procedure Act  
☐ ANPS - Adults in Need of Protective Services

**OTHER CIVIL FILINGS (cont'd)**

- ☐ MSXX - Birth/Death Certificate Modification/Bond Forfeiture Appeal/  
Enforcement of Agency Subpoena/Petition to Preserve  
☐ CVRT - Civil Rights  
☐ COND - Condemnation/Eminent Domain/Right-of-Way  
☐ CTMP - Contempt of Court  
☐ CONT - Contract/Ejectment/Writ of Seizure  
☐ TOCN - Conversion  
☐ EQND - Equity Non-Damages Actions/Declaratory Judgment/Injunction  
Election Contest/Quiet Title/Sale For Division  
☐ CVUD - Eviction Appeal/Unlawful Detainer  
☐ FORJ - Foreign Judgment  
☐ FORF - Fruits of Crime Forfeiture  
☐ MSHC - Habeas Corpus/Extraordinary Writ/Mandamus/Prohibition  
☐ PFAB - Protection From Abuse  
☐ FELA - Railroad/Seaman (FELA)  
☐ RPRO - Real Property  
☐ WTEG - Will/Trust/Estate/Guardianship/Conservatorship  
☐ COMP - Workers' Compensation  
☐ CVXX - Miscellaneous Circuit Civil Case

**ORIGIN (check one):**F ☒ INITIAL FILINGA ☐ APPEAL FROM  
DISTRICT COURTC ☐ OTHER:R ☐ REMANDEDT ☐ TRANSFERRED FROM  
OTHER CIRCUIT COURT**HAS JURY TRIAL BEEN DEMANDED?**☒ YES ☐ NO

Note: Checking "Yes" does not constitute a demand for a jury trial. (See Rules 38 and 39, Ala.R.Civ.P., for procedure)

**RELIEF REQUESTED:**☒ MONETARY AWARD REQUESTED☐ NO MONETARY AWARD REQUESTED**ATTORNEY CODE:**

MC - G 0 1 6

7/9/07

Date

Signature of Attorney/Party filing this form

**MEDIATION REQUESTED:**☐ YES ☒ NO ☐ UNDECIDED

**CT CORPORATION**  
A WoltersKluwer Company

**Service of Process  
Transmittal**

07/10/2007

Log Number 512386807



537512

**TO:** Chris Dzbanski  
Ford Motor Company  
Three Parklane Blvd., Ste. 1400 West  
Dearborn, MI, 48126-

**RE:** Process Served in Alabama

**FOR:** Ford Motor Company (Domestic State: DE)

**ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:**

**TITLE OF ACTION:** Relia Ann Scott, as Administratrix of the Estate of Nathan Billings, Deceased, et al,  
Pltfs. vs. Ford Motor Company, et al., Dfts.

**DOCUMENT(S) SERVED:** Summons, Complaint

**COURT/AGENCY:** Macon County Circuit Court, AL  
Case # CV 07 85

**NATURE OF ACTION:** Product Liability Litigation - Manufacturing Defect - Negligence in manufacturing the  
defective & unsafe in rollover causing injury and death - 2002 Ford Econoline van -  
VIN# 1FBSS31S42HA33919

**ON WHOM PROCESS WAS SERVED:** The Corporation Company, Montgomery, AL

**DATE AND HOUR OF SERVICE:** By Certified Mail on 07/10/2007 postmarked on 07/09/2007

**APPEARANCE OR ANSWER DUE:** within 30 days

**ATTORNEY(S) / SENDER(S):** Walter McGowan  
Gray, Langford, Sapp, McGowan, Gray, Gray & Nathanson, P.C.  
Post Office Box 830239  
Tuskegee, AL, 36083-0239  
334-727-4830

**ACTION ITEMS:** SOP Papers with Transmittal, via Fed Ex 2 Day, 790288151049  
Image SOP - Page(s): 14  
Email Notification, Chris Dzbanski CDZBANSK@FORD.COM

**SIGNED:** The Corporation Company  
**ADDRESS:** 2000 Interstate Park Drive  
Suite 204  
Montgomery, AL, 36109  
**TELEPHONE:** 334-387-7680

LITIGATION  
PRACTICE GROUP

7 JUL 12 P 3:13

OFFICE OF THE  
GENERAL COUNSEL

Page 1 of 1 / SR

Information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate action. Signatures on certified mail receipts confirm receipt of the package only, not of its contents.

AVSO351

CV 2007 000085.00

JUDGE: ASSIGNED JUDGE

ALABAMA JUDICIAL DATA CENTER  
CASE ACTION SUMMARY  
CIRCUIT CIVIL

IN THE CIRCUIT COURT OF MACON COUNTY

RELIA A. SCOTT AS ADM. OF THE ESTATE OF NATHAN BILLINS VS FORD MOTOR  
FILED: 07/09/2007 TYPE: WRONGFUL DEATH TYPE TRIAL: JURY TRACK:\*\*\*\*\*  
DATE1: CA: CA DATE:  
DATE2: AMT: \$ .00 PAYMENT:  
DATE3: \*\*\*\*\*\*\*\*\*\*  
PLAINTIFF 001: SCOTT RELIA ANN, AS ADM OF THE ESTATE OF NATHAN BILLINGS, DECEASED ATTORNEY: MCGOWAN WALTER E  
MCG016 P O BOX 830239AL 00000-0000  
PHONE: (334) 000-0000  
ENTERED: 07/09/2007 ISSUED: TYPE: TUSKEGEE, AL 36083  
SERVED: ANSWERED: JUDGEMENT: (334) 727-4830PLAINTIFF 002: BILLINGS ARTHUR, IND. & AS NEXT FRIEND OF  
B [REDACTED] B [REDACTED] ATTORNEY: MCGOWAN WALTER E  
MCG016 P O BOX 830239AL 00000-0000  
PHONE: (334) 000-0000  
ENTERED: 07/09/2007 ISSUED: TYPE: TUSKEGEE, AL 36083  
SERVED: ANSWERED: JUDGEMENT: (334) 727-4830PLAINTIFF 003: BILLINGS BONITA, IND. & AS NEXT FRIEND OF  
B [REDACTED] B [REDACTED] ATTORNEY: MCGOWAN WALTER E  
MCG016 P O BOX 830239AL 00000-0000  
PHONE: (334) 000-0000  
ENTERED: 07/09/2007 ISSUED: TYPE: TUSKEGEE, AL 36083  
SERVED: ANSWERED: JUDGEMENT: (334) 727-4830PLAINTIFF 004: EMMERS SUSIE M. AS ADMIN. OF THE ESTATE OF  
APRIL JONES EMMERS, DECEASED ATTORNEY: MCGOWAN WALTER E  
MCG016 P O BOX 830239AL 00000-0000  
PHONE: (334) 000-0000  
ENTERED: 07/09/2007 ISSUED: TYPE: TUSKEGEE, AL 36083  
SERVED: ANSWERED: JUDGEMENT: (334) 727-4830PLAINTIFF 005: EMMERS LINDA INDIVIDUALLY & AS NEXT FRIEN OF  
A [REDACTED] E [REDACTED] A MINOR AN ATTORNEY: MCGOWAN WALTER E  
HAROLD EMMERS, III MCG016 P O BOX 830239AL 00000-0000  
PHONE: (334) 000-0000  
ENTERED: 07/09/2007 ISSUED: TYPE: TUSKEGEE, AL 36083  
SERVED: ANSWERED: JUDGEMENT: (334) 727-4830DEFENDANT 001: FORD MOTOR COMPANY AGENT: THE CORP COMPANY  
2000 INTERSTATE PARK DRIV ATTORNEY: THOMAS DONALD ALAN  
SUITE 204 THO069 THREE PROTECTIVE CENTER  
MONTGOMERY, AL 36109-0000 2801 HWY 280 SO STE 200  
PHONE: (334) 000-0000 BIRMINGHAM, AL 35223  
ENTERED: 07/09/2007 ISSUED: 07/09/2007 TYPE: CERTIFIED (205) 251-1193  
SERVED: 07/10/2007 ANSWERED: 08/09/2007 JUDGEMENT:BROWN H LANIER II  
PROTECTIVE CENTER BLDG  
2801 HWY 280 SO. STE 20  
BIRMINGHAM, AL 35223  
(205) 251-1193

EH 10/04/2007

CV 2007 000085.00

AVSO351

CV 2007 000085.00

JUDGE: ASSIGNED JUDGE

ALABAMA JUDICIAL DATA CENTER  
CASE ACTION SUMMARY  
CIRCUIT CIVIL

IN THE CIRCUIT COURT OF MACON COUNTY

RELIA A. SCOTT AS ADM. OF THE ESTATE OF NATHAN BILLINS VS FORD MOTOR  
FILED: 07/09/2007 TYPE: WRONGFUL DEATH TYPE TRIAL: JURY TRACK:

\*\*\*\*\*  
 DATE1: CA: CA DATE:  
 DATE2: AMT: \$.00 PAYMENT:  
 DATE3: \*\*\*\*\*

SOUTHERLAND JOHN OSAAC  
 2801 HWY 280 SOUTH  
 SUITE 200  
 BIRMINGHAM, AL 35223  
 (205) 251-1193

DEFENDANT 002: BLAKEMORE KEITH D/B/A CAR CARE  
 4703 A PLAINFIELD ATTORNEY:

HOUSTON, TX 77036-0000

PHONE: (334) 000-0000

ENTERED: 07/09/2007 ISSUED: 07/09/2007 TYPE: CERTIFIED  
 SERVED: 07/12/2007 ANSWERED: JUDGEMENT:

DEFENDANT 003: EMMERS HAROLD HOLLY JR  
 10830 HARVEST SUN DRIVE ATTORNEY:

HOUSTON, TX 77064-0000

PHONE: (334) 000-0000

ENTERED: 07/09/2007 ISSUED: 07/09/2007 TYPE: CERTIFIED  
 SERVED: 07/13/2007 ANSWERED: JUDGEMENT:

07/09/2007 ASSIGNED TO JUDGE: ASSIGNED JUDGE (AV01)  
 07/09/2007 ORIGIN: INITIAL FILING (AV01)  
 07/09/2007 JURY TRIAL REQUESTED (AV01)  
 07/09/2007 CASE ASSIGNED STATUS OF: ACTIVE (AV01)  
 07/09/2007 CASE SCANNED STATUS SET TO: N (AV01)  
 07/09/2007 SCOTT RELIA ANN, AS ADM OF THE ESTATE OF ADDED AS  
 07/09/2007 LISTED AS ATTORNEY FOR C001: MCGOWAN WALTER E  
 07/09/2007 BILLINGS ARTHUR, IND. & AS NEXT FRIEND OF ADDED AS  
 07/09/2007 BILLINGS BONITA, IND. & AS NEXT FRIEND OF ADDED AS  
 07/09/2007 EMMERS SUSIE M. AS ADMIN. OF THE ESTATE OF ADDED A  
 07/09/2007 LISTED AS ATTORNEY FOR C004: MCGOWAN WALTER E  
 07/09/2007 EMMERS LINDA INDIVIDUALLY & AS NEXT FRIEN OF ADDED  
 07/09/2007 LISTED AS ATTORNEY FOR C005: MCGOWAN WALTER E  
 07/09/2007 LISTED AS ATTORNEY FOR C003: MCGOWAN WALTER E  
 07/09/2007 LISTED AS ATTORNEY FOR C002: MCGOWAN WALTER E

EH 10/04/2007

CV 2007 000085.00



AVSO351

CV 2007 000085.00

JUDGE: ASSIGNED JUDGE

ALABAMA JUDICIAL DATA CENTER  
CASE ACTION SUMMARY  
CIRCUIT CIVIL

IN THE CIRCUIT COURT OF MACON COUNTY

RELIA A. SCOTT AS ADM. OF THE ESTATE OF NATHAN BILLINS VS FORD MOTOR  
FILED: 07/09/2007 TYPE: WRONGFUL DEATH TYPE TRIAL: JURY TRACK:

\*\*\*\*\*  
DATE1: CA: CA DATE:  
DATE2: AMT: \$.00 PAYMENT:  
DATE3: \*\*\*\*\*

\*\*\*\*\*  
07/09/2007 FORD MOTOR COMPANY AGENT: THE CORP COMPANY ADDED AS

07/09/2007 CERTIFIED MAI ISSUED: 07/09/2007 TO D001 (AV02)

07/09/2007 BLAKEMORE KEITH D/B/A CAR CARE ADDED AS D002 (AV02)

07/09/2007 CERTIFIED MAI ISSUED: 07/09/2007 TO D002 (AV02)

07/09/2007 EMMERS HAROLD HOLLY JR ADDED AS D003 (AV02)

07/09/2007 CERTIFIED MAI ISSUED: 07/09/2007 TO D003 (AV02)

07/09/2007 SUMMONS AND COMPLAINT

07/12/2007 SERVICE OF CERTIFIED MAI ON 07/10/2007 FOR D001

07/19/2007 SERVICE OF CERTIFIED MAI ON 07/12/2007 FOR D002

07/19/2007 SERVICE OF CERTIFIED MAI ON 07/13/2007 FOR D003

08/09/2007 D001 - COMPLAINT DENIED E-FILED.

08/09/2007 ANSWER - TRANSMITTAL

08/09/2007 ANSWER - TRANSMITTAL

08/09/2007 D001 - COMPLAINT DENIED E-FILED.

08/09/2007 D001-PROTECTIVE ORDER FILED.

08/09/2007 LISTED AS ATTORNEY FOR D001: THOMAS DONALD ALAN

08/09/2007 ANSWER OF COMP DENIED ON 08/09/2007 FOR D001 (AV02)

08/09/2007 LISTED AS ATTORNEY FOR D001: SOUTHERLAND JOHN OSA

08/09/2007 LISTED AS ATTORNEY FOR D001: BROWN H LANIER II

08/09/2007 MOTION - TRANSMITTAL

08/09/2007 DISCOVERY - TRANSMITTAL

08/09/2007 NOTICE OF DISCOVERY E-FILED.

08/09/2007 MOTION - TRANSMITTAL

08/09/2007 D001-PROTECTIVE ORDER FILED.

08/13/2007 DISCOVERY - TRANSMITTAL

08/13/2007 NOTICE OF DISCOVERY E-FILED.

08/17/2007 ACCEPTANCE AND WAIVER

EH 10/04/2007

CV 2007 000085.00

AVSO351

CV 2007 000085.00

JUDGE: ASSIGNED JUDGE

ALABAMA JUDICIAL DATA CENTER  
CASE ACTION SUMMARY  
CIRCUIT CIVIL

IN THE CIRCUIT COURT OF MACON COUNTY

RELIA A. SCOTT AS ADM. OF THE ESTATE OF NATHAN BILLINS VS FORD MOTOR  
FILED: 07/09/2007 TYPE: WRONGFUL DEATH TYPE TRIAL: JURY TRACK:\*\*\*\*\*  
DATE1: CA:  
DATE2: AMT: \$ .00 CA DATE:  
DATE3: PAYMENT:\*\*\*\*\*  
08/20/2007 D001-PROTECTIVE ORDER /DOCKETED  
08/20/2007 D001-PROTECTIVE ORDER /DOCKETED  
09/05/2007 NOTICE OF INTENT TO SERVE SUBPOENA ON NON-PARTY  
09/10/2007 PLAINTIFF LINDA EMMERS' RESPONSES TO FORD MOTOR  
09/10/2007 COMPANY'S REQUEST FOR ADMISSION  
09/10/2007 PLAINTIFF SUSIE M. EMMERS' RESPONSES TO FORD MOTOR  
09/10/2007 COMPANY'S REQUEST FOR ADMISSION  
09/10/2007 PLAINTIFF BONITA BILLINGS' RESPONSES TO FORD MOTOR  
09/10/2007 COMPANY'S REQUEST FOR ADMISSION  
09/10/2007 PLAINTIFF ARTHUR BILLINGS' RESPONSES TO FORD MOTOR  
09/10/2007 COMPANY'S REQUEST FOR ADMISSION  
09/10/2007 PLAINTIFF RELIA ANN SCOTT'S RESPONSES TO FORD MOTO  
09/10/2007 COMPANY'S REQUEST FOR ADMISSION  
09/10/2007 NOTICE OF SERVICE OF DISCOVERY DOCUMENTS  
09/17/2007 NOTICE OF INTENT TO SERVE SUBPOENA ON NON-PARTY  
09/18/2007 NOTICE OF INTENT TO SERVE SUBPOENA ON NON-PARTY  
09/18/2007 NOTICE OF INTENT TO SERVE SUBPOENA ON NON-PARTY  
09/18/2007 NOTICE OF INTENT TO SERVE SUBPOENA ON NON-PARTY  
09/25/2007 NOTICE OF INTENT TO SERVE SUBPOENA ON NON-PARTYI, David R. Love, Jr., Clerk of Macon County  
Circuit Court of Alabama, do hereby certify  
that the foregoing is a full, true and correct  
copy of the instrument(s) herewith set out  
as same appears of record in said Court.  
Witness my hand this 11 day

of 10/04/2007

David R. Love, Jr.  
Clerk, Macon County Circuit Court

CV 2007 000085.00

EH 10/04/2007



IN THE CIRCUIT COURT OF MACON COUNTY, ALABAMA

RELIA A. SCOTT, as Administratrix  
of the Estate of NATHAN BILLINGS,  
Deceased; ARTHUR BILLINGS &  
BONITA BILLINGS, Individually &  
as Next Friend of B [REDACTED]  
B [REDACTED], a minor; SUSIE M.  
EMMERS, as Administratrix of the  
Estate of APRIL JONES EMMERS,  
Deceased; LINDA EMMERS,  
Individually & as Next Friend of  
A [REDACTED] E [REDACTED], a minor;  
and HAROLD EMMERS III,

Plaintiffs,

vs.

FORD MOTOR COMPANY,  
KEITH BLAKEMORE d/b/a KB CAR  
CARE, HAROLD EMMERS, JR., et al.,

CIVIL ACTION NO. CV 07-85

FILED IN  
CIRCUIT CLERKS OFFICE  
MACON COUNTY, ALA.  
2007 SEP 17 P 3:10  
CLERK

HAROLD EMMERS, JR.,

Crossclaim/Plaintiff,

vs.

FORD MOTOR COMPANY,  
KEITH BLAKEMORE d/b/a KB CAR  
CARE, and FICTITIOUS Defendants,

Crossclaim/Defendants.

CIVIL ACTION NO. CV 07-85

DEFENDANT'S HAROLD EMMERS, JR. ANSWER TO COMPLAINT AND  
CROSSCLAIM AGAINST DEFENDANT FORD MOTOR COMPANY

Comes now the Defendant Harold Emmers, Jr. and Answer the Plaintiffs'

Complaint as follows:

1. Defendant is without knowledge as to the allegations in paragraph 1 of the Complaint.
2. Defendant is without knowledge as to the allegations in paragraph 2 of the

Complaint.

3. Defendant is without knowledge as to the allegations in paragraph 3 of the Complaint.

4. Defendant is without knowledge as to the allegations in paragraph 4 of the Complaint.

5. Defendant admits the allegations in paragraph 5 of the Complaint.

6. Defendants admits the allegations in paragraph 6 of the Complaint.

7. Defendants admits the allegations the allegations in paragraph 7 of the Complaint.

8. Defendant admits the allegations in paragraph 8 of the Complaint.

9. Defendant admits the allegations in paragraph 9 of the Complaint.

10. Defendant admits the allegations in paragraph 10 of the Complaint.

11. Defendant admits the allegations in paragraph 11 of the Complaint.

12. Defendant admits the allegations in paragraph 12 of the Complaint.

13. Defendant admits the allegations in paragraph 13 of the Complaint.

14. Defendant admits the allegations in paragraph 14 of the Complaint.

15. Defendant admits the allegations in paragraph 15 of the Complaint.

16. Defendant admits the allegations in paragraph 16 of the Complaint.

17. Defendant admits the allegations in paragraph 17 of the Complaint.

18. Defendant admits the allegations in paragraph 18 of the Complaint.

19. Defendant admits the allegations in paragraph 19 of the Complaint.

20. Defendant admits the allegations in paragraph 20 of the Complaint.

21. Defendant is without knowledge of information as to the allegations in

paragraph 21 of the Complaint.

22. Defendant admits the allegations in paragraph 22 of the Complaint.

23. Defendant admits the allegations in paragraph 23 of the Complaint.

24. Defendant admits the allegations in paragraph 24 of the Complaint.

25. Defendant admits the allegations in paragraph 25 of the Complaint.

26. Defendant admits the allegations in paragraph 26 of the Complaint.

27. Defendant incorporates by reference his responses to the allegations set forth in paragraphs 1-26 above.

28. Defendant admits the allegations in paragraph 28 of the Complaint.

29. Defendant neither admits nor deny because paragraph 29 of the Complaint does not contain any allegations.

30. This allegation (30) is directed to Defendant Ford Motor Company.

31. This allegation (31) is directed to Defendant Ford Motor Company.

32. This allegation (32) is directed to Defendant Ford Motor Company.

33. This allegation (33) is directed to Defendant Ford Motor Company.

34. This allegation (34) is directed to Defendant Ford Motor Company.

35. Defendant incorporates by reference his responses to the allegations set forth in paragraphs 1-34 above.

36. The allegation is directed to this Defendant Ford Motor Company in paragraph 36 of the Complaint.

37. The allegations in paragraph 37 of the Complaint are not directed to this Defendant.

38. The allegations in paragraph 38 of the Complaint are not directed to this

Defendant.

39. Defendant denies the allegations in paragraph 39 of the Complaint.

40. The allegations in paragraph 40 of the Complaint are not directed to this Defendant.

41. The allegations in paragraph 41 of the Complaint are not directed to this Defendant.

42. Defendant denies he was negligent or combined or concurred in negligence that led to the injuries in this case.

43. Defendant incorporates by reference his responses to the allegations set forth in paragraphs 1-42 above.

44. The allegations in paragraph 44 of the Complaint are not directed to this Defendant.

45. The allegations in paragraph 45 of the Complaint are not directed to this Defendant.

46. The allegations in paragraph 46 of the Complaint are not directed to this Defendant.

47. Defendant incorporates by reference his responses to the allegations set forth in paragraphs 1-47 above.

48. This allegation (48) is directed to Defendant Ford Motor Company.

49. This allegation (49) is directed to Defendant Ford Motor Company.

50. This allegation (50) is directed to Defendant Ford Motor Company.

51. This allegation (51) is directed to Defendant Ford Motor Company.

52. This allegation (52) is directed to Defendant Ford Motor Company.

53. This allegation (53) is directed to Defendant Ford Motor Company.

54. Defendant incorporates by reference his responses to the allegations set forth in paragraphs 1-48 above.

55. The allegations in paragraph 55 of the Complaint are not directed to this Defendant.

56. The allegations in paragraph 56 of the Complaint are not directed to this Defendant.

57. Defendant incorporates by reference his responses to the allegations set forth in paragraphs 1-57 above.

58. The allegations in paragraphs 58 thru 63 of the Complaint are not directed to this Defendant.

**CROSSCLAIM PLAINTIFF'S HAROLD EMMERS, JR. COMPLAINT AGAINST  
DEFENDANT FORD MOTOR COMPANY**

COME NOW, the Crossclaim Plaintiff, Harold Emmers, Jr. in the above-styled action and file this Crossclaim Complaint against Defendant Ford Motor Company.

Statement of the Parties

1. Defendant, Ford Motor Company, is a foreign corporation doing business in Macon County, Alabama and in the State of Alabama at large through its agents. Defendant is in the business of designing, manufacturing, assembling and distributing motor vehicles for use by ordinary customers such as Crossclaim Plaintiff.

2. Defendant Keith Blakemore d/b/a KB Car Care is an unincorporated business operating in Harris County, Texas. Defendant, Keith Blakemore d/b/a KB Car

Care, is in the business of providing automotive maintenance and repair services to ordinary customers such as Crossclaim Plaintiff.

3. Fictitious Defendant A, whether singular or plural, is that person, corporation, or other legal entity who or which designed, manufactured and marketed the 2002 Ford Econoline E350 van bearing VIN 1FBSS31S42HA33919 involved in the occurrence made the basis of this Complaint, or any component of it;

4. Fictitious Defendant B, whether singular or plural, is that person, corporation, or other legal entity who or which had any role in the distributive chain regarding the 2002 Ford Econoline E350 van bearing VIN 1FBSS31S42HAR33919 involved in the occurrence made the basis of this Complaint, or any component of it;

5. Fictitious Defendant C, whether singular or plural, is that person, corporation, or other legal entity who or which had any role in the distributive chain regarding the 2002 Ford Econoline E350 van bearing VIN 1FBSS31 S42HA33919 involved in the occurrence made the basis of this Complaint, or any component of it;

6. Fictitious Defendant D, whether singular or plural, is that person, corporation, or other legal entity who or which, prior to the occurrence made the basis of this lawsuit, altered or repaired the 2002 Ford Econoline E350 van bearing VIN 1FBSS31S42HA33919 involved in the occurrence made the basis of this Complaint, or any component of it;

7. Fictitious Defendant E, whether singular or plural, is that person, corporation, or other legal entity who or which conducted safety inspections or analyses with respect to the 2002 Ford Econoline E350 van bearing Fictitious Defendant C, whether singular or plural, is that person, corporation, or other legal entity who or which

had any role in the distributive chain regarding the 2002 Ford Econoline E350 van bearing VIN 1FBSS31S42HA33919 involved in the occurrence made the basis of this Complaint, or any component of it;

8. Fictitious Defendant F, whether singular or plural, is that person, corporation or other legal entity, other than those described above, whose negligence, intentional conduct, willfulness, breach of conduct, wantonness, or other wrongful conduct contributed to cause the occurrence and damages made the basis of this Complaint;

9. Fictitious Defendant G, whether singular or plural, is that person, corporation or other legal entity which is the successor-in-interest to any of those entities described above;

10. Plaintiffs aver that Defendants A through G are otherwise unknown to Plaintiffs at this time, or if their names are known to Crossclaim Plaintiff, their identities as proper party Defendants are not known to Crossclaim Plaintiff at this time, and their true names will be substituted by amendment when ascertained.

#### Statement of the Facts

11. On or about August 6, 2005, a 2002 Ford Econoline E350 15-passenger van bearing VIN 1FBSS31S42HA33919 (hereafter referred to as the van) operated by Crossclaim Plaintiff Harold Emmers, Jr., was on a return trip from Atlanta to Houston following a national church convention attended by its eight occupants.

12. After leaving Atlanta and traveling some 100 miles to Macon County, Alabama, the van veered onto the left shoulder.

13. Crossclaim Plaintiff attempted to steer the vehicle back onto the road and the van began rolling over.

14. As the van rolled over after loss of control, its roof collapsed, the glazing broke out, and the seating and restraint systems failed.

15. As a proximate result of the loss of control and rollover, Crossclaim Plaintiff sustained physical and psychological injuries.

16. The van was being used as intended and in a reasonably and foreseeable manner.

17. The van was in an unaltered condition from the time of date of manufacture and sale.

18. The van was serviced shortly before the incident by Keith Blakemore d/b/a KB Car Care.

#### COUNT ONE

(AEMLD against Ford Motor Company and Fictitious Defendants A though G)

19. Crossclaim Plaintiff incorporate here the allegations of paragraphs 1 through 18 as if set out here in full.

19. The van was designed, manufactured, distributed and sold by Defendant Ford Motor Company and Fictitious Defendants A through G.

20. This claim is brought in part pursuant to the Alabama Extended Manufacturer's Liability Doctrine.

21. The van was defective and unreasonably dangerous for its intended and foreseeable use.

22. The van at the time of the accident was without substantial change in the condition in which it was manufactured.

23. The van is defective and unreasonably dangerous in:



- a. design, manufacture, and/or marketing as it relates to the vehicle's characteristics for stability, handling, and/or roll over propensities;
- b. design and manufacture of the restraint system;
- c. design and manufacture of the window and glazing systems;
- d. design and manufacture as it relates to the protection provided to occupants in foreseeable collisions including rollovers.

24. The defective condition of the van was the proximate cause of the Crossclaim Plaintiff injuries.

25. As a proximate result of the defective nature of the van, Crossclaim Plaintiff sustained physical and psychological injuries.

WHEREFORE, Crossclaim Plaintiff demand judgment against Defendant Ford Motor Company and Fictitious Defendants A through G for compensatory and punitive damages in an amount to be determined by the jury in accordance with Alabama law.

#### COUNT TWO

(Negligence against Ford Motor Company, Keith Blakemore d/b/a KB Car Care and Fictitious Defendants A through G)

26. Crossclaim Plaintiff incorporate here the allegations of paragraphs 1 through 25 as if set out here in full.

27. Defendant Ford Motor Company negligently designed, manufactured, tested, sold or otherwise placed into the stream of commerce the dangerous van.

28. Defendant Ford Motor Company negligently warned or failed to warn regarding the dangers from foreseeable use of the product (the van).

29. Defendant Keith Blakemore d/b/a KB Car Care negligently serviced the

van.

30. Fictitious Defendants A through G negligently designed, manufactured, tested, sold, repaired, maintained, inspected or failed to inspect the dangerous van.

31. Fictitious Defendants A through G negligently warned or failed to warn regarding the dangers from foreseeable use of the van.

32. As a proximate result of the negligence of some or all of the Defendants and the combined and concurring negligence of the Defendants, Crossclaim Plaintiff sustained physical and psychological injuries.

WHEREFORE, Crossclaim Plaintiff demand judgment against Defendants Ford Motor Company, Keith Blakemore d/b/a KB Car Care, and Fictitious Defendants A through G for compensatory and punitive damages in an amount to be determined by the jury in accordance with Alabama law.

### COUNT THREE

(Wantonness against Ford Motor Company and Fictitious Defendants A through G)

33. Crossclaim Plaintiff incorporate here the allegations of paragraphs 1 through 32 as if set out here in full.

34. Defendant Ford Motor Company and Fictitious Defendants A through G negligently designed, manufactured, tested, sold or otherwise placed into the stream of commerce the dangerous van.

35. The aforesaid Defendants wantonly warned or failed to warn regarding the dangers from foreseeable use of the van.

36. As a proximate result of the wantonness of these Defendants, Crossclaim Plaintiff sustained physical and psychological injuries.

WHEREFORE, Crossclaim Plaintiff demand judgment against Defendant Ford Motor Company and Fictitious Defendants A through G for compensatory and punitive damages in an amount to be determined by the jury in accordance with Alabama law.

COUNT FOUR

(Breach of Express and Implied Warranties against Ford Motor Company and Fictitious Defendants A through G)

37. Crossclaim Plaintiff incorporate here the allegations of paragraphs 1 through 36 as if set out here in full.

38. The van is "goods" as defined by the Alabama Uniform Commercial Code ("UCC") and, at the time though G were the van was sold, Defendant Ford Motor Company and Fictitious Defendants A each a "merchant" with respect to goods of this kind.

39. Defendant Ford Motor Company and Fictitious Defendants A though G sold a defective product warranting, among purpose intended dangerous propensities injuries to Crossclaim Plaintiff and marketed that product in a defective manner by expressly and impliedly other things, that the van was of merchantable quality and was safe and fit for the when used in an ordinary manner; and by not giving adequate warnings of the of Ford Econoline E350 vans, including the van that rolled over and caused on August 6, 2005.

40. Defendant Ford Motor Company and Fictitious Defendants A though G breached the aforesaid express and implied warranties in the following particulars, among others:

a. Selling vans that were not of merchantable quality, including the van that

rolled over and caused injuries to Crossclaim Plaintiff on August 6, 2005;

- b. Selling vans that were not safe for the purpose intended when used under ordinary conditions and in an ordinary manner, including the van that rolled over and caused injuries to Crossclaim Plaintiff on August 6, 2005; and
- c. Not giving adequate warning of the dangerous propensities of the Econoline E350 vans, including the van that rolled over and caused injuries to Crossclaim Plaintiff on August 6, 2005.

41. Defendant Ford Motor Company and Fictitious Defendants A through G expressly warranted that Ford Econoline E350 vans were safe and fit for the purpose for which they were designed.

42. Defendant Ford Motor Company and Fictitious Defendants A though G breached one or more of the aforesaid warranties.

43. As a proximate result of the aforesaid breach of warranties by Defendant Ford Motor Company and Fictitious Defendants A through G. Crossclaim Plaintiff sustained physical and psychological injuries.

WHEREFORE, Crossclaim Plaintiff demand judgment against Ford Motor Company and Fictitious Defendants A through G for compensatory and punitive damages in an amount to be determined by the jury in accordance with Alabama law.

#### COUNT FIVE

(Negligent and/or Wanton Failure to Warn of and/or Adequately Safeguard Against Deadly Hazards as to Ford Motor Company and Fictitious Defendants A through G)

44. Crossclaim Plaintiff incorporate here the allegations of paragraphs 1

through 43 as if set out here in full.

45. At the aforesaid time and place, and prior thereto, Defendant Ford Motor Company and Fictitious Defendants A through G negligently and/or wantonly failed to adequately warn of and/or safeguard against the deadly hazards presented by the aforesaid van.

46. As a proximate result of the negligent and/or wanton failure of the Defendant Ford Motor Company and Fictitious Defendants A through G to adequately warn of and/or safeguard against said hazards, the Plaintiff sustained physical and psychological injuries.

WHEREFORE, Crossclaim Plaintiff demand judgment against Defendant Ford Motor Company and Fictitious Defendants A through G for compensatory and punitive damages in an amount to be determined by the jury in accordance with Alabama law.

#### COUNT SIX

(Crash worthiness as to Ford Motor Company and Fictitious Defendants A though G)

47. Crossclaim Plaintiff reallege all allegations contained in paragraphs 1 through 46 as if set out here in full.

48. Defendant Ford Motor Company and Fictitious Defendants A through G sold, distributed or otherwise placed into the stream of commerce the subject 2002 Ford Econoline E350 van and the component parts thereof.

49. The van as designed and distributed was unreasonably dangerous in that the vehicle was not crashworthy due to its weak roof structure, inadequate seating and restraint systems, and use of tempered glass in the side windows.

50. Said Defendants failed to warn or otherwise notify the intended user or

consumer of the dangerously defective conditions.

51. The van was not crashworthy in that the vehicle failed to provide reasonable protection to its occupants in a reasonably foreseeable crash mode.

52. The weak roof structure, inadequate seating and restraint systems, and tempered glass in the side window locations allowed the roof to collapse and the occupants to become improperly restrained and contained within the van. Crossclaim Plaintiff was injured in the rollover.

53. As a proximate consequence of the lack of crash worthiness, Crossclaim Plaintiff sustained physical and psychological injuries.

WHEREFORE, Crossclaim Plaintiff demand judgment against Defendant Ford Motor Company and Fictitious Defendants A through G for compensatory determined by the jury in accordance with Alabama and punitive damages in an amount to be determined by the jury in accordance with Alabama law.

Respectfully Submitted,

/s/ Robert Simms Thompson  
Robert Simms Thompson, P.C.  
Tiffany N. Johnson  
Attorneys for Crossclaim Plaintiff  
308 North Elm Street  
Tuskegee, Alabama 36083  
(334) 727-6463

#### **CERTIFICATE OF SERVICE**

I hereby certify that I have this date 17<sup>th</sup> September, 2007, served an exact copy of the foregoing upon the following counsel(s) of record by depositing a copy of the same in the US Mail, properly addressed with first class postage prepaid thereon:

Walter E. McGowan  
Gray, Langford, Sapp, McGowan,  
Gray, & Nathanson, P.C.  
Post Office Box 830239  
Tuskegee, Alabama 36083-0239

H. Lanier Brown  
HUIE, FERNAMBUCQ & STEWART  
Three Protective Center  
2801 Highway 280, South  
Suite 200  
Birmingham, AL 35223

/s/ Robert Simms Thompson  
Robert Simms Thompson, P.C.

IN THE CIRCUIT COURT OF MACON COUNTY, ALABAMA

RELIA ANN SCOTT, et al.,

Plaintiffs,

**VS.**

CIVIL ACTION NO. 07-85

FORD MOTOR COMPANY, et al.,

**Defendants.**

# ARTY

2007 SEP 18 A 9: 3

FILED IN  
CIRCUIT CLERKS OFFICE  
TALLADEGA COUNTY, AL.

NOTICE OF INTENT TO SERVE SUBPOENA ON NON-PARTY

Take notice that upon the expiration of fifteen (15) days from the date of service of this notice that the Plaintiff will apply to the Clerk of this Court for issuance of the attached subpoena directed to:

Alabama Department of Forensic Sciences, Headquarters  
Attention: Records Department  
991 Wire Road  
Auburn, Alabama 36830

to produce the documents or things at the time and place specified in the subpoena regarding Nathan Joseph Billings, Case No.05MM00447.

Walter E. McGowan  
Attorneys for Plaintiffs

OF COUNSEL:

GRAY, LANGFORD, SAPP, McGOWAN,  
GRAY & NATHANSON, P.C.  
Post Office Box 830239  
Tuskegee, Alabama 36083-0239  
(Telephone) 334/727-4830  
(Facsimile) 334/727-5877



IN THE CIRCUIT COURT OF MACON COUNTY, ALABAMA


RELIA ANN SCOTT, et al.,                     )  
Plaintiffs,                                     )  
vs.   ) CIVIL ACTION NO. 07-85  
FORD MOTOR COMPANY, et al.,             )  
Defendants.                                     )

NOTICE OF INTENT TO SERVE SUBPOENA ON NON-PARTY

Take notice that upon the expiration of fifteen (15) days from the date of service of this notice that the Plaintiff will apply to the Clerk of this Court for issuance of the attached subpoena directed to:

Montgomery Highway Patrol  
Traffic Homicide Unit  
Attention: Sherry Hester, Records  
301 South Ripley Street  
Montgomery, Alabama 36104

to produce the documents or things at the time and place specified in the subpoena regarding the accident made the basis of this suit.

  
Walter E. McGowan  
Attorneys for Plaintiffs

OF COUNSEL:

GRAY, LANGFORD, SAPP, McGOWAN,  
GRAY & NATHANSON, P.C.  
Post Office Box 830239  
Tuskegee, Alabama 36083-0239  
(Telephone) 334/727-4830  
(Facsimile) 334/727-5877

FILED IN  
CIRCUIT CLERKS OFFICE  
MACON COUNTY, AL  
2007 SEP 18 A 9:30  
DAVID LOVE  
CIRCUIT CLERK

IN THE CIRCUIT COURT OF MACON COUNTY, ALABAMA

RELIA ANN SCOTT, et al., )

Plaintiffs, )

vs. )

CIVIL ACTION NO. 07-85

FORD MOTOR COMPANY, et al., )

Defendants. )

DAVID LOVE  
CIRCUIT CLERK

2007 SEP 18 A 9:31

FILED IN  
CIRCUIT CLERKS OFFICE  
MACON COUNTY, AL.

NOTICE OF INTENT TO SERVE SUBPOENA ON NON-PARTY

Take notice that upon the expiration of fifteen (15) days from the date of service of this notice that the Plaintiff will apply to the Clerk of this Court for issuance of the attached subpoena directed to:

Alabama Department of Forensic Sciences, Headquarters  
Attention: Records Department  
991 Wire Road  
Auburn, Alabama 36830

to produce the documents or things at the time and place specified in the subpoena regarding April Emmers, Case No. 05MM00448.

  
Walter E. McGowan  
Attorneys for Plaintiffs

OF COUNSEL:

GRAY, LANGFORD, SAPP, McGOWAN,  
GRAY & NATHANSON, P.C.  
Post Office Box 830239  
Tuskegee, Alabama 36083-0239  
(Telephone) 334/727-4830  
(Facsimile) 334/727-5877

**IN THE CIRCUIT COURT OF MACON COUNTY, ALABAMA**

**RELIA ANN SCOTT, et al.,**

**Plaintiffs,**

V.

**) Civil Action No. 07-85**

**FORD MOTOR COMPANY, et al.,**

**Defendants.**

[illegible]

2007 SEP 17 12:44

FILED IN  
CIRCUIT CLERKS OFFICE  
JAN 20 1964

**NOTICE OF INTENT TO SERVE SUBPOENA ON NON-PARTY**

Please take notice that upon the expiration of fifteen (15) days (or such other time as the Court has allowed) from the date of service of this Notice, Defendant, Ford Motor Company, will apply to the Clerk of this court for issuance of the attached subpoenas directed to:

**Peoples Funeral Home**  
500 Fonville Street  
Tuskegee, AL 36083

HAL E. BENTLEY  
Macon County Coroner  
500 Fonville Street  
Tuskegee, Alabama 36083

James Brumby

H. Lanier Brown, II  
Attorneys for Defendant,  
FORD MOTOR COMPANY

**OF COUNSEL:**

HUIE, FERNAMBUCQ & STEWART, LLP  
Three Protective Center  
2801 Highway 280 South, Suite 200  
Birmingham, AL 35223-2484  
Telephone: (205) 251-1193  
Telecopier: (205) 251-1256

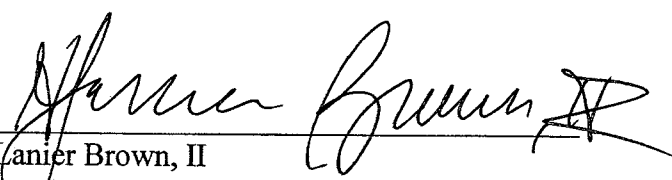
CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of July, 2007, I have mailed by United States Postal Service, Ford Motor Company's Notice of Intent, to the following

Walter McGowan, Esq.  
GRAY, LANGFORD, SAPP, McGOWAN, GRAY,  
GRAY & NATHANSON, P.C.  
P. O. Box 830239  
Tuskegee, AL 36083-0239

Keith Blakemore d/b/a Car Care  
4703 A Plainfield  
Houston, TX 77036

Harold Holly Emmers, Jr.  
10830 Harvest Sun Drive  
Houston, TX 77064

  
\_\_\_\_\_  
H. Lanier Brown, II  
Attorneys for Defendant,  
FORD MOTOR COMPANY

## HUIE, FERNAMBUCQ & STEWART, LLP

ATTORNEYS AT LAW

EUGENE D. MARTENSON  
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ROBERT M. GIRARDEAU  
JOHN S. CIVILS, JR.  
FRANK E. LANKFORD, JR.  
M. KEITH GANN  
CHARLES H. CLARK, JR.  
JOHN D. HERNDON  
J. ALLEN SYDNOR, JR.  
D. ALAN THOMAS  
WILLIAM G. GANTT  
T. KELLY MAY  
CHRISTOPHER S. RODGERS  
WALTER J. PRICE, III  
H. LANIER BROWN, II

GREGORY L. SCHUCK  
PHILIP R. COLLINS  
THOMAS E. BAZEMORE, III  
R. GORDON SPROULE, JR.\*  
MARtha LEACH THOMPSON  
PAUL F. MALEK\*\*  
H. CANNON LAWLEY  
ANNA-KATHERINE G. BOWMAN  
JANE G. HALL  
C. JEFFERY ASH  
JENNIFER D. SEGERS  
MICHELLE K. PIERONI  
BRADLEY J. MCGIBONEY  
DAVID L. BROWN, JR.  
J. PATRICK STRUBEL  
GERALD C. BROOKS, JR.\*\*\*

THREE PROTECTIVE CENTER  
2801 HIGHWAY 280 SOUTH  
SUITE 200  
BIRMINGHAM, ALABAMA 35223-2484  
TELEPHONE (205) 251-1193  
FACSIMILE (205) 251-1256  
WWW.HFSLLP.COM

Direct Dial No. 205/297-8839  
E-Mail Address: HLB@HFSLLP.COM

CHARLES J. FLEMING, JR.  
S.A. BRADLEY BAKER, III  
JASON M. KIRSCHBERG  
M. JEREMY DOTSON  
JOSEPH R. DUNCAN, JR.  
DAVID M. FLEMING  
JEFFREY N. WINDHAM  
JAMES R. LAWRENCE, III  
JOHN I. SOUTHERLAND  
DOUGLAS R. KENDRICK  
JACOB W. CRAWFORD  
J. BRANNON MANER  
GORDON J. BRADY, III  
R. CADE PARIAN  
MICHAEL T. SCIVLEY  
LUCAS C. MONTGOMERY

ALSO MEMBER  
\*GEORGIA BAR  
\*\*KENTUCKY BAR  
\*\*\*MISSISSIPPI BAR

THOMAS B. HUIE  
1915-1990  
WILLIAM B. FERNAMBUCQ  
1922-1997  
CHARLES A. STEWART, JR.  
1923-1983

September 12, 2007

Hon. Eddie D. Mallard  
Macon County Circuit Court Clerk  
Macon County Courthouse  
101 E. Northside Street  
PO Box 830723  
Tuskegee, AL 36083

Re: *Relia Ann Scott, et al. v. Ford Motor Company*  
In the Circuit Court for Macon County, Alabama  
Civil Action No. CV-07-85

FILED IN  
CIRCUIT CLERKS OFFICE  
MACON COUNTY, AL  
2007 SEP 17 P 4:15  
JUDLOVE  
CLERK

Dear Mr. Mallard:

Enclosed please find an original and one copy of the Defendant's Notice of Intent. Please file stamp the copy and return it to me in the self-addressed, stamped envelope provided.

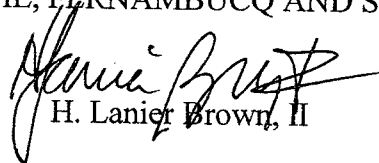
By copy of this correspondence, I am serving all counsel of record with a copy of the above as well as the Rule 45 Non-Party Subpoenas to be served by the Macon County Sheriff.

Thank you for your assistance.

Sincerely yours,

HUIE, FERNAMBUCQ AND STEWART

By

  
H. Lanier Brown, II

Enclosures

IN THE CIRCUIT COURT OF MACON COUNTY, ALABAMA

RELIA ANN SCOTT, et al.,

Plaintiffs,

v.

FORD MOTOR COMPANY, et al.,

Defendants.

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Civil Action No. 07-85

FILED IN  
CIRCUIT CLERKS OFFICE  
MACON COUNTY, AL  
2007 SEP 10 PM 1:27  
DAVID LOVE  
CLERK

**PLAINTIFF LINDA EMMERS' RESPONSES**  
**TO FORD MOTOR COMPANY'S REQUESTS FOR ADMISSION**

COMES NOW the Plaintiff, Linda Emmers, and responds to the requests for admission propounded upon her by Defendant Ford Motor Company as follows:

1. That you, your individual capacity, seek to recover from these Defendants monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.

RESPONSE: Admit, although Plaintiff has not pled a specific amount for such damages.

2. That you, in your individual capacity, do not seek to recover from these Defendants monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.

RESPONSE: Deny, although Plaintiff has not pled a specific amount for such damages.

3. That the amount in controversy between the parties in this case is in excess of SEVENTY-FIVE THOUSAND AND NO/100 (\$75,000.00) exclusive of interest and costs.

RESPONSE: Admit.

4. That you, as duly appointed Administratrix and Personal Representative of the Estate of April Jones Emmers, seek to recover from these Defendants monetary damages in this case in

excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.

RESPONSE: Deny. Susie M. Emmers is the administratrix.

5. That you, duly appointed Administratrix and Personal Representative of the Estate of April Jones Emmers, do not seek to recover from these Defendants monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.

RESPONSE: Admit. Susie M. Emmers is the administratrix.

6. That you, in your individual capacity, seek to recover from these Defendants compensatory monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.

RESPONSE: Admit, although Plaintiff has not pled a specific amount for such damages.

7. That you, in your individual capacity, do not seek to recover from these Defendants compensatory monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.

RESPONSE: Deny, although Plaintiff has not pled a specific amount for such damages.

8. That you, in your individual capacity, seek to recover from these Defendants punitive monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.

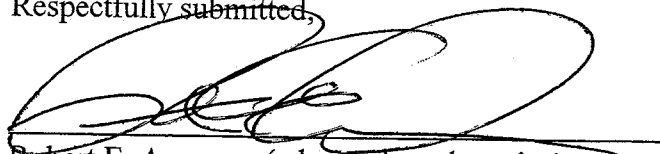
RESPONSE: Admit, although Plaintiff has not pled a specific amount for such damages.

9. That you, in your individual capacity, do not seek to recover from these Defendants punitive monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.

RESPONSE: Deny, although Plaintiff has not pled a specific amount for such damages.

DONE this the 7 day of September, 2007.

Respectfully submitted,



Robert E. Ammons (admitted pro hac vice)

The Ammons Law Firm

3700 Montrose Boulevard

Houston, Texas 77006

Telephone: 713-523-1606

Facsimile: 713-523-4159

Walter McGowan (MCG016)

Gray, Langford, Sapp, McGowan, Gray,

Gray & Nathanson, P.C.

Post Office Box 830239

Tuskegee, Alabama 36083-0239

Telephone: 334-727-4830

Facsimile: 334-727-5877

Attorneys for Plaintiffs

### CERTIFICATE OF SERVICE

I hereby certify that I have filed the foregoing with the Clerk of the Court and have placed a copy of the foregoing to the attorneys/parties below through e-filing or by United States Mail, postage prepaid and properly addressed, on this the 7 day of September, 2007.

D. Alan Thomas  
Huie, Fernambucq & Stewart, LLP  
Three Protective Center  
2801 Highway 280 South, Suite 200  
Birmingham, AL 35223-2484

Harold Holly Emmers, Jr.  
10830 Harvest Sun Drive  
Houston, TX 77064

Keith Blakemore d/b/a Car Care  
4703 A Plainfield  
Houston, TX 77036



Robert E. Ammons  
Of Counsel



IN THE CIRCUIT COURT OF MACON COUNTY, ALABAMA

RELIA ANN SCOTT, et al.,

Plaintiffs,

v.

FORD MOTOR COMPANY, et al.,

Defendants.

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Civil Action No. 07-85

FILED IN  
CIRCUIT CLERKS OFFICE  
MACON COUNTY, AL  
2007 SEP 10 P 1:27  
DAVID LOVE  
CLERK

**PLAINTIFF SUSIE M. EMMERS' RESPONSES**  
**TO FORD MOTOR COMPANY'S REQUESTS FOR ADMISSION**

COMES NOW the Plaintiff, Susie M. Emmers, and responds to the requests for admission propounded upon her by Defendant Ford Motor Company as follows:

1. That you seek to recover from these Defendants monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.

RESPONSE: As administratrix of the estate of April Jones Emmers, admit, although Plaintiff has not pled a specific amount for such damages.

2. That you do not seek to recover from these Defendants monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.

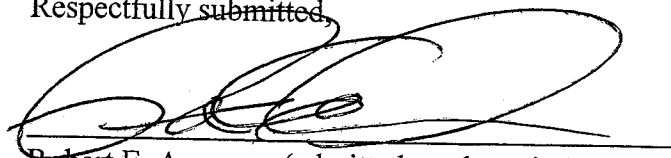
RESPONSE: As administratrix of the estate of April Jones Emmers, deny, although Plaintiff has not pled a specific amount for such damages.

3. That the amount in controversy between the parties in this case is in excess of SEVENTY-FIVE THOUSAND AND NO/100 (\$75,000.00) exclusive of interest and costs.

RESPONSE: Admit.

DONE this the 7 day of September, 2007.

Respectfully submitted,



Robert E. Ammons (admitted pro hac vice)  
The Ammons Law Firm  
3700 Montrose Boulevard  
Houston, Texas 77006  
Telephone: 713-523-1606  
Facsimile: 713-523-4159

Walter McGowan (MCG016)  
Gray, Langford, Sapp, McGowan, Gray,  
Gray & Nathanson, P.C.  
Post Office Box 830239  
Tuskegee, Alabama 36083-0239  
Telephone: 334-727-4830  
Facsimile: 334-727-5877

Attorneys for Plaintiffs

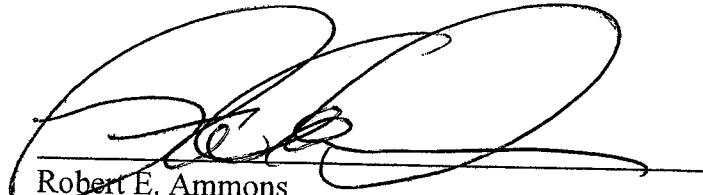
#### CERTIFICATE OF SERVICE

I hereby certify that I have filed the foregoing with the Clerk of the Court and have placed a copy of the foregoing to the attorneys/parties below through e-filing or by United States Mail, postage prepaid and properly addressed, on this the 7 day of September, 2007.

D. Alan Thomas  
Huie, Fernambucq & Stewart, LLP  
Three Protective Center  
2801 Highway 280 South, Suite 200  
Birmingham, AL 35223-2484

Harold Holly Emmers, Jr.  
10830 Harvest Sun Drive  
Houston, TX 77064

Keith Blakemore d/b/a Car Care  
4703 A Plainfield  
Houston, TX 77036



Robert E. Ammons  
Of Counsel

IN THE CIRCUIT COURT OF MACON COUNTY, ALABAMA

RELIA ANN SCOTT, et al.,

Plaintiffs,

v.

FORD MOTOR COMPANY, et al.,

Defendants.

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Civil Action No. 07-85

FILED IN  
CIRCUIT CLERKS OFFICE  
MACON COUNTY, AL  
2007 SEP 10 PM 1:27  
DAVID LOVE  
CLERK

**PLAINTIFF BONITA BILLINGS' RESPONSES  
TO FORD MOTOR COMPANY'S REQUESTS FOR ADMISSION**

COMES NOW the Plaintiff, Bonita Billings, and responds to the requests for admission propounded upon her by Defendant Ford Motor Company as follows:

1. That you, your individual capacity, seek to recover from these Defendants monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.

RESPONSE: Admit, although Plaintiff has not pled a specific amount for such damages.

2. That you, in your individual capacity, do not seek to recover from these Defendants monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.

RESPONSE: Deny, although Plaintiff has not pled a specific amount for said damages.

3. That the amount in controversy between the parties in this case is in excess of SEVENTY-FIVE THOUSAND AND NO/100 (\$75,000.00) exclusive of interest and costs.

RESPONSE: Admit.

4. That you, as next friend of Bethany Billings, seek to recover from these Defendants monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100

(\$75,000.00) exclusive of interest and costs.

RESPONSE: Admit, although Plaintiff has not pled a specific amount for such damages.

5. That you, as next friend of B [REDACTED] B [REDACTED], do not seek to recover from these Defendants monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.

RESPONSE: Deny, although Plaintiff has not pled a specific amount for such damages.

6. That you, in your individual capacity, seek to recover from these Defendants compensatory monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.

RESPONSE: Admit, although Plaintiff has not pled a specific amount for such damages..

7. That you, in your individual capacity, do not seek to recover from these Defendants compensatory monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.

RESPONSE: Deny, although Plaintiff has not pled a specific amount for such damages.

8. That you, in your individual capacity, seek to recover from these Defendants punitive monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.

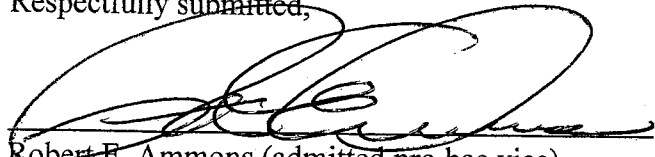
RESPONSE: Admit, although Plaintiff has not pled a specific amount for such damages.

9. That you, in your individual capacity, do not seek to recover from these Defendants punitive monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.

RESPONSE: Deny, although Plaintiff has not pled a specific amount for such damages.

DONE this the 7 day of September, 2007.

Respectfully submitted,



Robert E. Ammons (admitted pro hac vice)  
The Ammons Law Firm  
3700 Montrose Boulevard  
Houston, Texas 77006  
Telephone: 713-523-1606  
Facsimile: 713-523-4159

Walter McGowan (MCG016)  
Gray, Langford, Sapp, McGowan, Gray,  
Gray & Nathanson, P.C.  
Post Office Box 830239  
Tuskegee, Alabama 36083-0239  
Telephone: 334-727-4830  
Facsimile: 334-727-5877

Attorneys for Plaintiffs

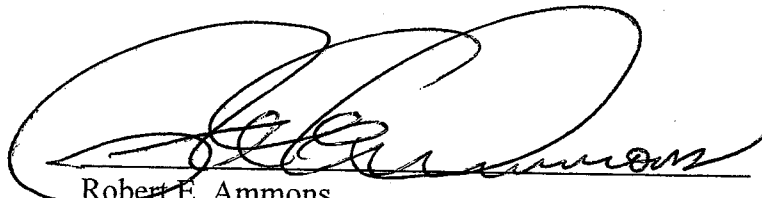
### CERTIFICATE OF SERVICE

I hereby certify that I have filed the foregoing with the Clerk of the Court and have placed a copy of the foregoing to the attorneys/parties below through e-filing or by United States Mail, postage prepaid and properly addressed, on this the 7 day of September, 2007.

D. Alan Thomas  
Huie, Fernambucq & Stewart, LLP  
Three Protective Center  
2801 Highway 280 South, Suite 200  
Birmingham, AL 35223-2484

Harold Holly Emmers, Jr.  
10830 Harvest Sun Drive  
Houston, TX 77064

Keith Blakemore d/b/a Car Care  
4703 A Plainfield  
Houston, TX 77036



Robert E. Ammons  
Of Counsel

IN THE CIRCUIT COURT OF MACON COUNTY, ALABAMA

RELIA ANN SCOTT, et al.,

Plaintiffs,

v.

FORD MOTOR COMPANY, et al.,

Defendants.

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Civil Action No. 07-85

DAVID LOVE  
JURY CLERK

2007 SEP 10 P 1:27

FILED IN  
CIRCUIT CLERKS OFFICE  
MACON COUNTY, AL

**PLAINTIFF ARTHUR BILLINGS' RESPONSES  
TO FORD MOTOR COMPANY'S REQUESTS FOR ADMISSION**

COMES NOW the Plaintiff, Arthur Billings, and responds to the requests for admission propounded upon him by Defendant Ford Motor Company as follows:

1. That you, your individual capacity, seek to recover from these Defendants monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.

RESPONSE: Admit, although Plaintiff has not pled a specific amount for said damages.

2. That you, in your individual capacity, do not seek to recover from these Defendants monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.

RESPONSE: Deny, although Plaintiff has not pled a specific amount for said damages.

3. That the amount in controversy between the parties in this case is in excess of SEVENTY-FIVE THOUSAND AND NO/100 (\$75,000.00) exclusive of interest and costs.

RESPONSE: Admit.

4. That you, as next friend of B [REDACTED] B [REDACTED] seek to recover from these Defendants monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100

(\$75,000.00) exclusive of interest and costs.

RESPONSE: Admit, although Plaintiff has not pled a specific amount for said damages.

5. That you, as next friend of B [REDACTED] B [REDACTED], do not seek to recover from these Defendants monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.

RESPONSE: Deny, although Plaintiff has not pled a specific amount for said damages.

6. That you, in your individual capacity, seek to recover from these Defendants compensatory monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.

RESPONSE: Admit, although Plaintiff has not pled a specific amount for said damages.

7. That you, in your individual capacity, do not seek to recover from these Defendants compensatory monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.

RESPONSE: Deny, although Plaintiff has not pled a specific amount for said damages.

8. That you, in your individual capacity, seek to recover from these Defendants punitive monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.

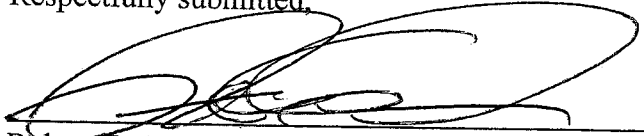
RESPONSE: Admit, although Plaintiff has not pled a specific amount for said damages.

9. That you, in your individual capacity, do not seek to recover from these Defendants punitive monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.

RESPONSE: Deny, although Plaintiff has not pled a specific amount for said damages.

DONE this the 7 day of September, 2007.

Respectfully submitted,



Robert E. Ammons (admitted pro hac vice)  
The Ammons Law Firm  
3700 Montrose Boulevard  
Houston, Texas 77006  
Telephone: 713-523-1606  
Facsimile: 713-523-4159

Walter McGowan (MCG016)  
Gray, Langford, Sapp, McGowan, Gray,  
Gray & Nathanson, P.C.  
Post Office Box 830239  
Tuskegee, Alabama 36083-0239  
Telephone: 334-727-4830  
Facsimile: 334-727-5877

Attorneys for Plaintiffs

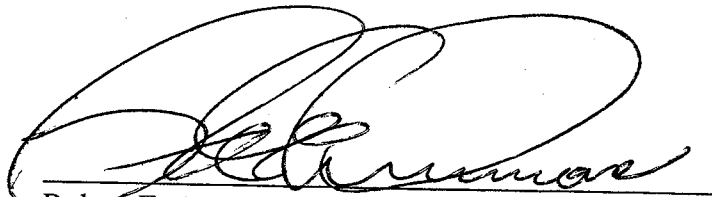
#### CERTIFICATE OF SERVICE

I hereby certify that I have filed the foregoing with the Clerk of the Court and have placed a copy of the foregoing to the attorneys/parties below through e-filing or by United States Mail, postage prepaid and properly addressed, on this the 7 day of September, 2007.

D. Alan Thomas  
Huie, Fernambucq & Stewart, LLP  
Three Protective Center  
2801 Highway 280 South, Suite 200  
Birmingham, AL 35223-2484

Harold Holly Emmers, Jr.  
10830 Harvest Sun Drive  
Houston, TX 77064

Keith Blakemore d/b/a Car Care  
4703 A Plainfield  
Houston, TX 77036



Robert E. Ammons  
Of Counsel



IN THE CIRCUIT COURT OF MACON COUNTY, ALABAMA

RELIA ANN SCOTT, et al.,

Plaintiffs,

v.

FORD MOTOR COMPANY, et al.,

Defendants.

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Civil Action No. 07-85

DAVID LOVE  
CIRCUIT CLERK

2007 SEP 10 PM 1:27

FILED IN  
CIRCUIT CLERKS OFFICE  
MACON COUNTY, AL

**PLAINTIFF RELIA ANN SCOTT'S RESPONSES  
TO FORD MOTOR COMPANY'S REQUESTS FOR ADMISSION**

COMES NOW the Plaintiff, Relia Ann Scott, and responds to the requests for admission propounded upon her by Defendant Ford Motor Company as follows:

1. That you seek to recover from these Defendants monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.

RESPONSE: In my capacity as administratrix of the estate of Nathan Billings, admit, although Plaintiff has not pled a specific amount for such damages.

2. That you do not seek to recover from these Defendants monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.

RESPONSE: In my capacity as administratrix of the estate of Nathan Billings, deny, although Plaintiff has not pled a specific amount for such damages.

3. That the amount in controversy between the parties in this case is in excess of SEVENTY-FIVE THOUSAND AND NO/100 (\$75,000.00) exclusive of interest and costs.

RESPONSE: Admit.

DONE this the 7 day of September, 2007.

Respectfully submitted,



Robert E. Ammons (admitted pro hac vice)  
The Ammons Law Firm  
3700 Montrose Boulevard  
Houston, Texas 77006  
Telephone: 713-523-1606  
Facsimile: 713-523-4159

Walter McGowan (MCG016)  
Gray, Langford, Sapp, McGowan, Gray,  
Gray & Nathanson, P.C.  
Post Office Box 830239  
Tuskegee, Alabama 36083-0239  
Telephone: 334-727-4830  
Facsimile: 334-727-5877

Attorneys for Plaintiffs

#### CERTIFICATE OF SERVICE

I hereby certify that I have filed the foregoing with the Clerk of the Court and have placed a copy of the foregoing to the attorneys/parties below through e-filing or by United States Mail, postage prepaid and properly addressed, on this the 7 day of September, 2007.

D. Alan Thomas  
Huie, Fernambucq & Stewart, LLP  
Three Protective Center  
2801 Highway 280 South, Suite 200  
Birmingham, AL 35223-2484

Harold Holly Emmers, Jr.  
10830 Harvest Sun Drive  
Houston, TX 77064

Keith Blakemore d/b/a Car Care  
4703 A Plainfield  
Houston, TX 77036



Robert E. Ammons  
Of Counsel

IN THE CIRCUIT COURT OF MACON COUNTY, ALABAMA

RELIA ANN SCOTT, et al.,

Plaintiffs,

v.

FORD MOTOR COMPANY, et al.,

Defendants.

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Civil Action No. 07-85

DAVID LOVE  
CIRCUIT CLERK

2007 SEP 10 P 1:27

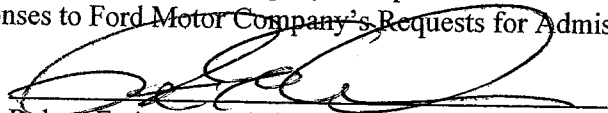
FILED IN  
CIRCUIT CLERKS OFFICE  
MACON COUNTY, AL

**NOTICE OF SERVICE OF DISCOVERY DOCUMENTS**

TO: Circuit Court Clerk  
Macon County Courthouse

PLEASE TAKE NOTICE that the Plaintiffs, RELIA ANN SCOTT, et al., have on this the 7 day of September, 2007, served the following discovery pleadings:

1. Plaintiff Susie M. Emmers' Responses to Ford Motor Company's Requests for Admission;
2. Plaintiff Relia Ann Scott's Responses to Ford Motor Company's Requests for Admission;
3. Plaintiff Linda Emmers' Responses to Ford Motor Company's Requests for Admission;
4. Plaintiff Bonita Billings' Responses to Ford Motor Company's Requests for Admission; and
5. Plaintiff Arthur Billings' Responses to Ford Motor Company's Requests for Admission.

  
Robert E. Ammons (admitted pro hac vice)  
Attorney for Plaintiffs

OF COUNSEL:

The Ammons Law Firm  
3700 Montrose Boulevard  
Houston, Texas 77006  
Telephone: 713-523-1606  
Facsimile: 713-523-4159

Walter McGowan (MCG016)  
Gray, Langford, Sapp, McGowan, Gray,  
Gray & Nathanson, P.C.  
Post Office Box 830239  
Tuskegee, Alabama 36083-0239  
Telephone: 334-727-4830  
Facsimile: 334-727-5877


**CERTIFICATE OF SERVICE**

I hereby certify that I have filed the foregoing with the Clerk of the Court and have placed a copy of the foregoing to the attorneys/parties below by United States Mail, postage prepaid and properly addressed, on September 7, 2007.

D. Alan Thomas  
Huie, Fernambucq & Stewart, LLP  
Three Protective Center  
2801 Highway 280 South, Suite 200  
Birmingham, AL 35223-2484

Harold Holly Emmers, Jr.  
10830 Harvest Sun Drive  
Houston, TX 77064

Keith Blakemore d/b/a Car Care  
4703 A Plainfield  
Houston, TX 77036



Robert E. Ammons

**IN THE CIRCUIT COURT OF MACON COUNTY, ALABAMA**

**RELIA ANN SCOTT, et al.,**

**Plaintiffs,**

V.

**FORD MOTOR COMPANY, et al.,**

**Defendants.**

**) Civil Action No. 07-85**

WILD LOVE  
OUTLET

2007 SEP -6 PM 4:01

FILED IN  
CIRCUIT CLERKS OFFICE  
SOUTHERN DISTRICT OF NEW YORK, AT

**NOTICE OF INTENT TO SERVE SUBPOENA ON NON-PARTY**

Please take notice that upon the expiration of fifteen (15) days (or such other time as the Court has allowed) from the date of service of this Notice, Defendant, Ford Motor Company, will apply to the Clerk of this court for issuance of the attached subpoenas directed to:

**Custodian of Records  
CARE Ambulance  
1150 Panama Street, South  
Montgomery, Alabama 36104**

**East Alabama Medical Center  
Attn: Custodian of Records  
2000 Pepperell Pkwy.  
Opelika, AL 36801  
(All passengers transported)**

**Thrower's Wrecker Service  
Attn: Custodian of Records  
903 Notasulga Road  
Tuskegee, AL 36083**

**ALABAMA DEPARTMENT OF FORENSIC SCIENCES**  
**Attn: Records Custodian**  
**991 Wire Road**  
**Auburn, Alabama 36830**  
**(Nathan Billings & April Emmers)**

H. Lanier Brown, II  
Attorneys for Defendant,  
FORD MOTOR COMPANY

**OF COUNSEL:**

HUIE, FERNAMBUCQ & STEWART, LLP  
Three Protective Center  
2801 Highway 280 South, Suite 200  
Birmingham, AL 35223-2484  
Telephone: (205) 251-1193  
Telecopier: (205) 251-1256


**CERTIFICATE OF SERVICE**

I hereby certify that on the 4th day of Sept., 2007, I have mailed by United States Postal Service, Ford Motor Company's Notice of Intent, to the following

Walter McGowan, Esq.  
GRAY, LANGFORD, SAPP, McGOWAN, GRAY,  
GRAY & NATHANSON, P.C.  
P. O. Box 830239  
Tuskegee, AL 36083-0239

Keith Blakemore d/b/a Car Care  
4703 A Plainfield  
Houston, TX 77036

Harold Holly Emmers, Jr.  
10830 Harvest Sun Drive  
Houston, TX 77064

  
\_\_\_\_\_  
H. Lamer Brown, II  
Attorneys for Defendant,  
FORD MOTOR COMPANY

## HUIE, FERNAMBUCQ & STEWART, LLP

ATTORNEYS AT LAW

EUGENE D. MARTENSON  
STANLEY A. CASH  
JAMES R. SHAW  
ROBERT M. GIRARDEAU  
JOHN S. CIVILS, JR.  
FRANK E. LANIGFORD, JR.  
M. KEITH GANN  
CHARLES H. CLARK, JR.  
JOHN D. HERNDON  
J. ALLEN SYDNOR, JR.  
D. ALAN THOMAS  
WILLIAM G. GANTT  
T. KELLY MAY  
CHRISTOPHER S. RODGERS  
WALTER J. PRICE, III  
H. LANIER BROWN, II

GREGORY L. SCHUCK  
PHILIP R. COLLINS  
THOMAS E. BAZEMORE, III  
R. GORDON SPROULE, JR.\*  
MARTHA LEACH THOMPSON  
PAUL F. MALEK\*\*  
H. CANNON LAWLEY  
ANNA-KATHERINE G. BOWMAN  
JANE G. HALL  
C. JEFFERY ASH  
JENNIFER D. SEGERS  
MICHELLE K. PIERONI  
BRADLEY J. MCGIBONEY  
DAVID L. BROWN, JR.  
J. PATRICK STRUBEL  
GERALD C. BROOKS, JR.\*\*\*

THREE PROTECTIVE CENTER  
2801 HIGHWAY 280 SOUTH  
SUITE 200  
BIRMINGHAM, ALABAMA 35223-2484  
TELEPHONE (205) 251-1193  
FACSIMILE (205) 251-1256  
WWW.HFSLLP.COM

Direct Dial No. 205/297-8839  
E-Mail Address: HLB@HFSLLP.COM

CHARLES J. FLEMING, JR.  
S.A. BRADLEY BAKER, III  
JASON M. KIRSCHBERG  
M. JEREMY DOTSON  
JOSEPH R. DUNCAN, JR.  
DAVID M. FLEMING  
JEFFREY N. WINDHAM  
JAMES R. LAWRENCE, III  
JOHN I. SOUTHERLAND  
DOUGLAS R. KENDRICK  
JACOB W. CRAWFORD  
J. BRANNON MANER  
GORDON J. BRADY, III  
R. CADE PARIAN  
MICHAEL T. SCIVLEY  
LUCAS C. MONTGOMERY

ALSO MEMBER  
\*GEORGIA BAR  
\*\*KENTUCKY BAR  
\*\*\*MISSISSIPPI BAR

THOMAS B. HUIE  
1915-1990  
WILLIAM B. FERNAMBUCO  
1922-1997  
CHARLES A. STEWART, JR.  
1923-1983

September 4, 2007

Hon. Eddie D. Mallard  
Macon County Circuit Court Clerk  
Macon County Courthouse  
101 E. Northside Street  
PO Box 830723  
Tuskegee, AL 36083

Re: *Relia Ann Scott, et al. v. Ford Motor Company*  
In the Circuit Court for Macon County, Alabama  
Civil Action No. CV-07-85

Dear Mr. Mallard:

Enclosed please find an original and one copy of the Defendant's Notice of Intent. Please file stamp the copy and return it to me in the self-addressed, stamped envelope provided.

By copy of this correspondence, I am serving all counsel of record with a copy of the above as well as the Rule 45 Non-Party Subpoenas to be served by the Macon County Sheriff.

Thank you for your assistance.

Sincerely yours,

HUIE, FERNAMBUCQ AND STEWART

By

*H. Lanier Brown II*  
H. Lanier Brown II

Enclosures

FILED IN  
CIRCUIT CLERK'S OFFICE  
MACON COUNTY, AL  
2007 SEP -5 P 4:01

IN THE CIRCUIT COURT OF MACON COUNTY, ALABAMA

RELIA ANN SCOTT, et al.,

Plaintiffs,

v.

FORD MOTOR COMPANY, et al.,

Defendants.

CASE NO. CV-07-85

DAVID LOVE  
CIRCUIT CLERK


FILED IN  
CIRCUIT CLERKS OFFICE  
MACON COUNTY, AL  
2007 AUG 17 P 3:13

ACCEPTANCE AND WAIVER

TROY KING, Attorney General of the State of Alabama, acknowledges service of the **Notice of Proceeding** in the above-styled cause pursuant to §6-6-227 *Code of Alabama*, 1975 (Attached). The Attorney General, having filed this Acceptance and Waiver in this action, hereby waives any further service upon him of any pleadings, discovery and other matters filed in this cause and presently waives the right to be heard.

Respectfully submitted,

TROY KING, KIN047  
ATTORNEY GENERAL

  
\_\_\_\_\_  
ROSA H. DAVIS, DAV043  
ASSISTANT ATTORNEY GENERAL



§6-6-227. Persons to be made parties; rights of persons not parties.

All persons shall be made parties, who have, or claim, any interest which would be affected by the declaration, and no declaration shall prejudice the rights of persons not parties to the proceeding. In any proceeding which involves the validity of a municipal ordinance, or franchise, such municipality shall be made a party and shall be entitled to be heard; and if the statute, ordinance, or franchise is alleged to be unconstitutional, the Attorney General of the state shall also be served with a copy of the proceeding and be entitled to be heard. (Act 1935, No. 355, p. 777; Code 1940, T.7, § 166.)



## ALABAMA STATE BAR

415 Dexter Avenue • Post Office Box 671 • Montgomery, Alabama 36101  
Telephone: 334 / 269-1515 • Fax: 334 / 261-6310  
www.alabar.org

### STATEMENT

The following information, in response to the application of petitioner, is furnished in compliance with Rule VII, Rules Governing Admission to the Alabama State Bar (*Pro Hac Vice*):

**PETITIONER:** Mr. Robert E. Ammons  
The Ammons Law Firm, L.L.P.  
3700 Montrose Blvd  
Houston, TX 77006-0000

### **CURRENT APPLICATION:**

Date Application Received: July 30, 2007  
Case No.: CV07-85  
Style: Relia Ann Scott, et al. vs. Ford Motor Company, et al.  
Court/Agency: Circuit Court of Macon County  
Date of Hearing: August 20, 2007

FILED IN  
CIRCUIT CLERKS OFFICE  
MACON COUNTY, AL  
2007 JUL 31 P 3:46  
DAVID LOVE  
CIRCUIT CLERK

**LOCAL COUNSEL:** Mr. Walter Edgar McGowan  
Gray, Langford, Sapp, McGowan, Gray &  
Nathanson  
P. O. Box 830239  
Tuskegee, AL 36083-0239

APPLICATIONS FOR RULE VII ADMISSION HAVE BEEN MADE BY ABOVE PETITIONER OR OTHER ATTORNEY MEMBERS OF PETITIONER'S FIRM IN THE PRECEDING THREE YEARS AS LISTED:

See Attached

*Emily M. Farnia*

PHV Admissions  
July 30, 2007



LAWYERS RENDER SERVICE

**The Ammons Law Firm, L.L.P.**

Dates reported: July 30, 2004 - July 30, 2007

<b>Applicant</b>	<b>Date App Received</b>	<b>Case</b>	<b>Court</b>	<b>G/D/P/M</b>
Robert E. Ammons	07/30/2007	CV07-85	Circuit Court of Macon County	Pending

IN THE CIRCUIT COURT OF  
MACON COUNTY, ALABAMA

RELIA ANN SCOTT, as Administratrix  
of the Estate of NATHAN BILLINGS,  
Deceased; ARTHUR BILLINGS &  
BONITA BILLINGS, Individually &  
as Next Friend of B [REDACTED] B [REDACTED],  
a minor; SUSIE M. EMMERS, as  
Administratrix of the Estate of APRIL  
JONES EMMERS, Deceased; LINDA  
EMMERS, Individually & as Next  
Friend of A [REDACTED] E [REDACTED], a minor;  
and HAROLD EMMERS, III,

Plaintiffs,

VS.

FORD MOTOR COMPANY, KEITH  
BLAKEMORE d/b/a KB CAR CARE,  
HAROLD EMMERS, JR., and  
FICTITIOUS Defendants A through G,  
Described herein in Paragraphs 9 through  
15,

Defendants.

CIVIL ACTION NO. 07-85

FILED IN  
CIRCUIT CLERKS OFFICE  
MACON COUNTY, AL  
2007 JUL -9 P 2:52  
DAVID LOVE  
CIRCUIT CLERK

SUMMONS

This service by certified mail of this Summons and Complaint is initiated upon the written request of Plaintiffs' attorney pursuant to the *Alabama Rules of Civil Procedure*. You are hereby commanded to serve this Summons and a copy of the Complaint in this action upon the Defendant:

**TO: Harold Holly Emmers, Jr.  
10830 Harvest Sun Drive  
Houston, Texas 77064**

Said Defendant is required to serve a copy of a written answer to the Complaint upon:

WALTER E. McGOWAN  
GRAY, LANGFORD, SAPP, McGOWAN, GRAY,  
GRAY & NATHANSON, P.C.  
Post Office Box 830239  
Tuskegee, Alabama 36083-0239

attorney for the Plaintiffs. THIS ANSWER MUST BE MAILED OR DELIVERED WITHIN THIRTY (30) DAYS FROM THE DATE OF DELIVERY OF THIS SUMMONS AND COMPLAINT AS EVIDENCED BY THE RETURN RECEIPT, OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT. You must also file the original of your Answer with the Clerk of this Court within a reasonable time afterward.

July 9, 2007  
DATED

David Love Jr.  
CIRCUIT CLERK

---

RETURN OF SERVICE

I certify that I personally delivered  
copy of this order to \_\_\_\_\_  
on \_\_\_\_\_, 2007.

\_\_\_\_\_  
Signature and title of server

\*  
\*  
\*  
\*  
\*

Served By \_\_\_\_\_, mail  
Return receipt dated \_\_\_\_\_,  
2007.

\_\_\_\_\_  
Signature and time of server

IN THE CIRCUIT COURT OF  
MACON COUNTY, ALABAMA

RELIA ANN SCOTT, as Administratrix  
of the Estate of NATHAN BILLINGS,  
Deceased; ARTHUR BILLINGS &  
BONITA BILLINGS, Individually &  
as Next Friend of B [REDACTED] B [REDACTED],  
a minor; SUSIE M. EMMERS, as  
Administratrix of the Estate of APRIL  
JONES EMMERS, Deceased; LINDA  
EMMERS, Individually & as Next  
Friend of A [REDACTED] E [REDACTED] a minor;  
and HAROLD EMMERS, III,

Plaintiffs,

VS.

FORD MOTOR COMPANY, KEITH  
BLAKEMORE d/b/a KB CAR CARE,  
HAROLD EMMERS, JR., and  
FICTITIOUS Defendants A through G,  
Described herein in Paragraphs 9 through  
15,

Defendants.

CIVIL ACTION NO. 07-85

FILED IN  
CIRCUIT CLERKS OFFICE  
MACON COUNTY, AL  
2007 JUL -9 P 2:52  
DAVID LOVE  
CIRCUIT CLERK

SUMMONS

This service by certified mail of this Summons and Complaint is initiated upon the written request of Plaintiffs' attorney pursuant to the *Alabama Rules of Civil Procedure*. You are hereby commanded to serve this Summons and a copy of the Complaint in this action upon the Defendant:

**TO: Keith Blakemore d/b/a KB Car Care  
4703A Plainfield  
Houston, Texas 77036**

Said Defendant is required to serve a copy of a written answer to the Complaint upon:

WALTER E. McGOWAN  
GRAY, LANGFORD, SAPP, McGOWAN, GRAY,  
GRAY & NATHANSON, P.C.  
Post Office Box 830239  
Tuskegee, Alabama 36083-0239

attorney for the Plaintiffs. THIS ANSWER MUST BE MAILED OR DELIVERED WITHIN THIRTY (30) DAYS FROM THE DATE OF DELIVERY OF THIS SUMMONS AND COMPLAINT AS EVIDENCED BY THE RETURN RECEIPT, OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT. You must also file the original of your Answer with the Clerk of this Court within a reasonable time afterward.

July 9, 2007  
DATED

David Love Jr.  
CIRCUIT CLERK

---

RETURN OF SERVICE

I certify that I personally delivered  
copy of this order to \_\_\_\_\_  
on \_\_\_\_\_, 2007.

\*  
\*  
\*  
\*  
\*

Served By \_\_\_\_\_, mail  
Return receipt dated \_\_\_\_\_,  
2007.

\_\_\_\_\_  
Signature and title of server

\_\_\_\_\_  
Signature and time of server

IN THE CIRCUIT COURT OF  
MACON COUNTY, ALABAMA

RELIA ANN SCOTT, as Administratrix  
of the Estate of NATHAN BILLINGS,  
Deceased; ARTHUR BILLINGS &  
BONITA BILLINGS, Individually &  
as Next Friend of B [REDACTED] E [REDACTED],  
a minor; SUSIE M. EMMERS, as  
Administratrix of the Estate of APRIL  
JONES EMMERS, Deceased; LINDA  
EMMERS, Individually & as Next  
Friend of A [REDACTED] E [REDACTED], a minor;  
and HAROLD EMMERS, III,

Plaintiffs,

VS.

FORD MOTOR COMPANY, KEITH  
BLAKEMORE d/b/a KB CAR CARE,  
HAROLD EMMERS, JR., and  
FICTITIOUS Defendants A through G,  
Described herein in Paragraphs 9 through  
15,

Defendants.

CIVIL ACTION NO. 07-85

FILED IN  
CIRCUIT CLERKS OFFICE  
MACON COUNTY, AL  
2007 JUL -9 P 2:52  
DAVID LOVE  
CIRCUIT CLERK

SUMMONS

This service by certified mail of this Summons and Complaint is initiated upon the written request of Plaintiffs' attorney pursuant to the *Alabama Rules of Civil Procedure*. You are hereby commanded to serve this Summons and a copy of the Complaint in this action upon the Defendant:

**TO: FORD MOTOR COMPANY**  
**AGENT: The Corporation Company**  
**2000 Interstate Park Drive**  
**Suite 204**  
**Montgomery, Alabama 36109**

Each Defendant is required to serve a copy of a written answer to the Complaint upon:



WALTER E. McGOWAN  
GRAY, LANGFORD, SAPP, McGOWAN, GRAY,  
GRAY & NATHANSON, P.C.  
Post Office Box 830239  
Tuskegee, Alabama 36083-0239

attorney for the Plaintiffs. THIS ANSWER MUST BE MAILED OR DELIVERED WITHIN THIRTY (30) DAYS FROM THE DATE OF DELIVERY OF THIS SUMMONS AND COMPLAINT AS EVIDENCED BY THE RETURN RECEIPT, OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT. You must also file the original of your Answer with the Clerk of this Court within a reasonable time afterward.

July 9, 2007  
DATED

David Love Jr.  
CIRCUIT CLERK

---

RETURN OF SERVICE

I certify that I personally delivered  
copy of this order to \_\_\_\_\_  
on \_\_\_\_\_, 2007.

\*  
\*  
\*  
\*  
\*

Served By \_\_\_\_\_, mail  
Return receipt dated \_\_\_\_\_,  
2007.

\_\_\_\_\_  
Signature and title of server

\_\_\_\_\_  
Signature and time of server

IN THE CIRCUIT COURT OF  
MACON COUNTY, ALABAMA

RELIA ANN SCOTT, as Administratrix of §  
the Estate of NATHAN BILLINGS, Deceased; §  
ARTHUR BILLINGS & BONITA §  
BILLINGS, Individually & as Next Friend §  
of B [REDACTED] B [REDACTED] a minor; §  
SUSIE M. EMMERS, as Administratrix of §  
the Estate of APRIL JONES EMMERS, §  
Deceased; LINDA EMMERS, Individually & §  
as Next Friend of A [REDACTED] E [REDACTED], §  
a minor; and HAROLD EMMERS III, §

Plaintiffs, §

VS. §

FORD MOTOR COMPANY, §  
KEITH BLAKEMORE d/b/a KB CAR CARE, §  
HAROLD EMMERS, JR., and §  
and FICTITIOUS Defendants A through G, §  
Described herein in Paragraphs 9 through 15, §

Defendants. §

CIVIL ACTION NO. 07-85

FILED IN  
CIRCUIT CLERKS OFFICE  
MACON COUNTY, AL  
2007 JUL -9 P 2:52  
DAVID LOVE  
CIRCUIT CLERK

**COMPLAINT**

COME NOW, the Plaintiffs in the above-styled action and file this Complaint.

**Statement of the Parties**

1. Plaintiff, Relia Ann Scott, is the duly appointed Administratrix and Personal Representative of the Estate of Nathan Billings. Plaintiff is a resident of Texas, and is over the age of nineteen years.
2. Plaintiffs, Arthur Billings and Bonita Billings individually and, as next friends of Bethany Billings, a minor, are residents of Texas and are over the age of nineteen years.
3. Plaintiff, Susie M. Emmers, is the duly appointed Administratrix and Personal

Representative of the Estate of April Jones Emmers. Plaintiff is a resident of Texas and is over the age of nineteen years.

4. Plaintiff, Linda Emmers, individually and as next friend of A [REDACTED] E [REDACTED], a minor, is a resident of Texas and is over the age of nineteen years.

5. Plaintiff, Harold Emmers III, is a resident of Texas and is over the age of nineteen years.

6. Defendant, Ford Motor Company, is a foreign corporation doing business in Macon County, Alabama and in the State of Alabama at large through its agents. Defendant is in the business of designing, manufacturing, assembling and distributing motor vehicles for use by ordinary customers such as Plaintiffs.

7. Defendant Keith Blakemore d/b/a KB Car Care is an unincorporated business operating in Harris County, Texas. Defendant, Keith Blakemore d/b/a KB Car Care, is in the business of providing automotive maintenance and repair services to ordinary customers such as Plaintiffs.

8. Defendant, Harold Emmers, Jr., is an individual resident of Harris County, Texas.

9. Fictitious Defendant A, whether singular or plural, is that person, corporation, or other legal entity who or which designed, manufactured and marketed the 2002 Ford Econoline E350 van bearing VIN 1FBSS31S42HA33919 involved in the occurrence made the basis of this Complaint, or any component of it;

10. Fictitious Defendant B, whether singular or plural, is that person, corporation, or other legal entity who or which had any role in the distributive chain regarding the 2002 Ford Econoline E350 van bearing VIN 1FBSS31S42HA33919 involved in the occurrence made the basis of this

Complaint, or any component of it;

11. Fictitious Defendant C, whether singular or plural, is that person, corporation, or other legal entity who or which had any role in the distributive chain regarding the 2002 Ford Econoline E350 van bearing VIN 1FBSS31S42HA33919 involved in the occurrence made the basis of this Complaint, or any component of it;

12. Fictitious Defendant D, whether singular or plural, is that person, corporation, or other legal entity who or which, prior to the occurrence made the basis of this lawsuit, altered or repaired the 2002 Ford Econoline E350 van bearing VIN 1FBSS31S42HA33919 involved in the occurrence made the basis of this Complaint, or any component of it;

13. Fictitious Defendant E, whether singular or plural, is that person, corporation, or other legal entity who or which conducted safety inspections or analyses with respect to the 2002 Ford Econoline E350 van bearing Fictitious Defendant C, whether singular or plural, is that person, corporation, or other legal entity who or which had any role in the distributive chain regarding the 2002 Ford Econoline E350 van bearing VIN 1FBSS31S42HA33919 involved in the occurrence made the basis of this Complaint, or any component of it;

14. Fictitious Defendant F, whether singular or plural, is that person, corporation or other legal entity, other than those described above, whose negligence, intentional conduct, willfulness, breach of conduct, wantonness, or other wrongful conduct contributed to cause the occurrence and damages made the basis of this Complaint;

15. Fictitious Defendant G, whether singular or plural, is that person, corporation or other legal entity which is the successor-in-interest to any of those entities described above;

16. Plaintiffs aver that Defendants A through G are otherwise unknown to Plaintiffs at

this time, or if their names are known to Plaintiffs, their identities as proper party Defendants are not known to Plaintiffs at this time, and their true names will be substituted by amendment when ascertained.

**Statement of the Facts**

17. On or about August 6, 2005, a 2002 Ford Econoline E350 15-passenger van bearing VIN 1FBSS31S42HA33919 (hereafter referred to as the van) operated by Defendant Harold Emmers, Jr., was on a return trip from Atlanta to Houston following a national church convention attended by its eight occupants.

18. After leaving Atlanta and traveling some 100 miles to Macon County, Alabama, the van veered onto the left shoulder.

19. The driver attempted to steer the vehicle back onto the road and the van began rolling over.

20. In addition to the driver, Harold Emmers, Jr., occupants of the van included Linda Emmers, Bonita Billings, Nathan Billings, Harold Emmers III, A [REDACTED] E [REDACTED] B [REDACTED] B [REDACTED] and April Jones Emmers.

21. As the van rolled over after loss of control, its roof collapsed, the glazing broke out, and the seating and restraint systems failed.

22. As a proximate result of the loss of control and rollover, Plaintiffs sustained physical and psychological injuries.

23. Nathan Billings and April Jones Emmers were wrongfully killed.

24. The van was being used as intended and in a reasonably and foreseeable manner.

25. The van was in an unaltered condition from the time of date of manufacture and sale.

26. The van was serviced shortly before the incident by Keith Blakemore d/b/a KB Car Care.

**COUNT ONE**

**(AEMLD against Ford Motor Company and Fictitious Defendants A through G)**

27. Plaintiffs incorporate here the allegations of paragraphs 1 through 26 as if set out here in full.

28. The van was designed, manufactured, distributed and sold by Defendant Ford Motor Company and Fictitious Defendants A through G.

29. This claim is brought in part pursuant to the Alabama Extended Manufacturer's Liability Doctrine.

30. The van was defective and unreasonably dangerous for its intended and foreseeable use.

31. The van at the time of the accident was without substantial change in the condition in which it was manufactured.

32. The van is defective and unreasonably dangerous in:

- (a) design, manufacture, and/or marketing as it relates to the vehicle's characteristics for stability, handling, and/or roll over propensities;
- (b) design and manufacture of the restraint system;
- (c) design and manufacture of the window and glazing systems;
- (d) design and manufacture as it relates to the protection provided to occupants in foreseeable collisions including rollovers.

33. The defective condition of the van was the proximate cause of the Plaintiffs injuries and deaths.

34. As a proximate result of the defective nature of the van, Plaintiffs sustained physical and psychological injuries and Nathan Billings and April Jones Emmers were wrongfully killed.

WHEREFORE, Plaintiffs demand judgment against Defendant Ford Motor Company and Fictitious Defendants A through G for compensatory and punitive damages in an amount to be determined by the jury in accordance with Alabama law.

**COUNT TWO**

**(Negligence against Ford Motor Company, Keith Blakemore d/b/a KB Car Care, Harold Emmers, Jr., and Fictitious Defendants A through G)**

35. Plaintiffs incorporate here the allegations of paragraphs 1 through 34 as if set out here in full.

36. Defendant Ford Motor Company negligently designed, manufactured, tested, sold or otherwise placed into the stream of commerce the dangerous van.

37. Defendant Ford Motor Company negligently warned or failed to warn regarding the dangers from foreseeable use of the product (the van).

38. Defendant Keith Blakemore d/b/a KB Car Care negligently serviced the van.

39. Defendant Harold Emmers, Jr., was negligent, in his operation of the van.

40. Fictitious Defendants A through G negligently designed, manufactured, tested, sold, repaired, maintained, inspected or failed to inspect the dangerous van.

41. Fictitious Defendants A through G negligently warned or failed to warn regarding the dangers from foreseeable use of the van.

42. As a proximate result of the negligence of some or all of the Defendants and the combined and concurring negligence of the Defendants, Plaintiffs sustained physical and

psychological injuries and Nathan Billings and April Jones Emmers were wrongfully killed.

WHEREFORE, Plaintiffs demand judgment against Defendants Ford Motor Company, Keith Blakemore d/b/a KB Car Care, Harold Emmers, Jr. and Fictitious Defendants A through G for compensatory and punitive damages in an amount to be determined by the jury in accordance with Alabama law.

**COUNT THREE**

**(Wantonness against Ford Motor Company and Fictitious Defendants A through G)**

43. Plaintiffs incorporate here the allegations of paragraphs 1 through 42 as if set out here in full.

44. Defendant Ford Motor Company and Fictitious Defendants A through G negligently designed, manufactured, tested, sold or otherwise placed into the stream of commerce the dangerous van.

45. The aforesaid Defendants wantonly warned or failed to warn regarding the dangers from foreseeable use of the van.

46. As a proximate result of the wantonness of these Defendants, Plaintiffs sustained physical and psychological injuries and Nathan Billings and April Jones Emmers were wrongfully killed.

WHEREFORE, Plaintiffs demand judgment against Defendant Ford Motor Company and Fictitious Defendants A through G for compensatory and punitive damages in an amount to be determined by the jury in accordance with Alabama law.

**COUNT FOUR**

**(Breach of Express and Implied Warranties against  
Ford Motor Company and Fictitious Defendants A through G)**



47. Plaintiffs incorporate here the allegations of paragraphs 1 through 46 as if set out here in full.

48. The van is "goods" as defined by the Alabama Uniform Commercial Code ("UCC") and, at the time the van was sold, Defendant Ford Motor Company and Fictitious Defendants A through G were each a "merchant" with respect to goods of this kind.

49. Defendant Ford Motor Company and Fictitious Defendants A through G sold a defective product and marketed that product in a defective manner by expressly and impliedly warranting, among other things, that the van was of merchantable quality and was safe and fit for the purpose intended when used in an ordinary manner; and by not giving adequate warnings of the dangerous propensities of Ford Econoline E350 vans, including the van that rolled over and caused injuries to Plaintiffs on August 6, 2005.

50. Defendant Ford Motor Company and Fictitious Defendants A through G breached the aforesaid express and implied warranties in the following particulars, among others:

- a. Selling vans that were not of merchantable quality, including the van that rolled over and caused injuries to Plaintiffs on August 6, 2005;
- b. Selling vans that were not safe for the purpose intended when used under ordinary conditions and in an ordinary manner, including the van that rolled over and caused injuries to Plaintiffs on August 6, 2005; and
- c. Not giving adequate warning of the dangerous propensities of the Econoline E350 vans, including the van that rolled over and caused injuries to Plaintiffs on August 6, 2005.

51. Defendant Ford Motor Company and Fictitious Defendants A through G expressly

warranted that Ford Econoline E350 vans were safe and fit for the purpose for which they were designed.

52. Defendant Ford Motor Company and Fictitious Defendants A through G breached one or more of the aforesaid warranties.

53. As a proximate result of the aforesaid breach of warranties by Defendant Ford Motor Company and Fictitious Defendants A through G. Plaintiffs sustained physical and psychological injuries and Nathan Billings and April Jones Emmers were wrongfully killed.

WHEREFORE, Plaintiffs demand judgment against Ford Motor Company and Fictitious Defendants A through G for compensatory and punitive damages in an amount to be determined by the jury in accordance with Alabama law.

**COUNT FIVE**  
**(Negligent and/or Wanton Failure to Warn of and/or**  
**Adequately Safeguard Against Deadly Hazards as to**  
**Ford Motor Company and Fictitious Defendants A through G)**

54. Plaintiffs incorporate here the allegations of paragraphs 1 through 53 as if set out here in full.

55. At the aforesaid time and place, and prior thereto, Defendant Ford Motor Company and Fictitious Defendants A through G negligently and/or wantonly failed to adequately warn of and/or safeguard against the deadly hazards presented by the aforesaid van.

56. As a proximate result of the negligent and/or wanton failure of the Defendant Ford Motor Company and Fictitious Defendants A through G to adequately warn of and/or safeguard against said hazards, the Plaintiffs sustained physical and psychological injuries and Nathan Billings and April Jones Emmers were wrongfully killed on August 6, 2005.

WHEREFORE, Plaintiffs demand judgment against Defendant Ford Motor Company and Fictitious Defendants A through G for compensatory and punitive damages in an amount to be determined by the jury in accordance with Alabama law.

**COUNT SIX**  
**(Crashworthiness as to Ford Motor Company and**  
**Fictitious Defendants A through G)**

57. Plaintiffs reallege all allegations contained in paragraphs 1 through 56 as if set out here in full.

58. Defendant Ford Motor Company and Fictitious Defendants A through G sold, distributed or otherwise placed into the stream of commerce the subject 2002 Ford Econoline E350 van and the component parts thereof.

59. The van as designed and distributed was unreasonably dangerous in that the vehicle was not crashworthy due to its weak roof structure, inadequate seating and restraint systems, and use of tempered glass in the side windows.

60. Said Defendants failed to warn or otherwise notify the intended user or consumer of the dangerously defective conditions.

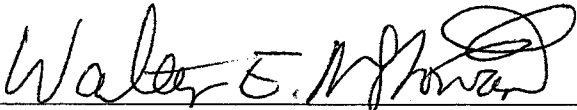
61. The van was not crashworthy in that the vehicle failed to provide reasonable protection to its occupants in a reasonably foreseeable crash mode.

62. The weak roof structure, inadequate seating and restraint systems, and tempered glass in the side window locations allowed the roof to collapse and the occupants to become improperly restrained and contained within the van. Plaintiffs were injured in the rollover, and Nathan Billings and April Jones Emmers were wrongfully killed as they were ejected from the van.

63. As a proximate consequence of the lack of crashworthiness, Plaintiffs sustained

physical and psychological injuries and Nathan Billings and April Jones Emmers were wrongfully killed.

WHEREFORE, Plaintiffs demand judgment against Defendant Ford Motor Company and Fictitious Defendants A through G for compensatory and punitive damages in an amount to be determined by the jury in accordance with Alabama law.

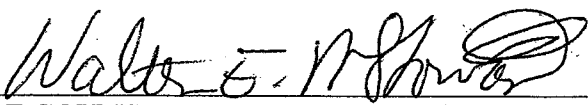
  
Walter McGowan (MCG016)  
Attorney for Plaintiffs

OF COUNSEL:

Gray, Langford, Sapp, McGowan, Gray,  
Gray & Nathanson, P.C.  
Post Office Box 830239  
Tuskegee, Alabama 36083-0239  
Telephone: 334-727-4830  
Facsimile: 334-727-5877

**JURY DEMAND**

PLAINTIFFS DEMAND A TRIAL BY JURY ON ALL COUNTS.

  
OF COUNSEL

State of Alabama  
Unified Judicial System

Form ARCivP-93 Rev. 5/99

**COVER SHEET**  
**CIRCUIT COURT - CIVIL CASE**  
(Not For Domestic Relations Cases)

Case Number

CV 2007 2085

Date of Filing:

07 09 2007

Judge Code:

XXX

Month

Day

Year

**GENERAL INFORMATION**IN THE CIRCUIT COURT OF MACON, ALABAMA  
(Name of County)

Relia A. Scott, as Adm. of the Estate of Nathan Billins, deceased v. Ford Motor Company, Keith Blakemore d/b/a KB Car Care and Harold Emmers, Jr.

Plaintiff

Defendant

First Plaintiff

☐

Business

☒

Individual

☐

Government

☐

Other

First Defendant

☒

Business

☐

Individual

☐

Government

☐

Other

**NATURE OF SUIT:** Select primary cause of action, by checking box (check only one) that best characterizes your action:**TORTS: PERSONAL INJURY**

- ☒ WDEA - Wrongful Death  
☐ TONG - Negligence: General  
☒ TOMV - Negligence: Motor Vehicle  
☒ TOWA - Wantonness  
☒ TOPL - Product Liability/AEMLD  
☐ TOMM - Malpractice-Medical  
☐ TOLM - Malpractice-Legal  
☐ TOOM - Malpractice-Other  
☐ TBFM - Fraud/Bad Faith/Misrepresentation  
☐ TOXX - Other: \_\_\_\_\_

**TORTS: PROPERTY INJURY**

- ☒ TOPE - Personal Property  
☐ TORE - Real Property

**OTHER CIVIL FILINGS**

- ☐ ABAN - Abandoned Automobile  
☐ ACCT - Account & Nonmortgage  
☐ APAA - Administrative Agency Appeal  
☐ ADPA - Administrative Procedure Act  
☐ ANPS - Adults in Need of Protective Services

**OTHER CIVIL FILINGS (cont'd)**

- ☐ MSXX - Birth/Death Certificate Modification/Bond Forfeiture Appeal/  
Enforcement of Agency Subpoena/Petition to Preserve  
☐ CVRT - Civil Rights  
☐ COND - Condemnation/Eminent Domain/Right-of-Way  
☐ CTMP - Contempt of Court  
☐ CONT - Contract/Ejectment/Writ of Seizure  
☐ TOCN - Conversion  
☐ EQND - Equity Non-Damages Actions/Declaratory Judgment/Injunction  
Election Contest/Quiet Title/Sale For Division  
☐ CVUD - Eviction Appeal/Unlawful Detainer  
☐ FORJ - Foreign Judgment  
☐ FORF - Fruits of Crime Forfeiture  
☐ MSHC - Habeas Corpus/Extraordinary Writ/Mandamus/Prohibition  
☐ PFAB - Protection From Abuse  
☐ FELA - Railroad/Seaman (FELA)  
☐ RPRO - Real Property  
☐ WTEG - Will/Trust/Estate/Guardianship/Conservatorship  
☐ COMP - Workers' Compensation  
☐ CVXX - Miscellaneous Circuit Civil Case

**ORIGIN (check one):**F ☒ INITIAL FILINGA ☐ APPEAL FROM  
DISTRICT COURTC ☐ OTHER: \_\_\_\_\_R ☐ REMANDEDT ☐ TRANSFERRED FROM  
OTHER CIRCUIT COURT**HAS JURY TRIAL BEEN DEMANDED?** ☒ YES ☐ NO

Note: Checking "Yes" does not constitute a demand for a jury trial. (See Rules 38 and 39, Ala.R.Civ.P., for procedure)

**RELIEF REQUESTED:**☒

MONETARY AWARD REQUESTED

☐

NO MONETARY AWARD REQUESTED

**ATTORNEY CODE:**

MC G 0 1 6

7/9/07

Date

Signature of Attorney/Party filing this form

**MEDIATION REQUESTED:** ☐ YES ☒ NO ☐ UNDECIDED

# **DEFENDANT'S EXHIBIT B**



## AlaFile E-Notice

46-CV-2007-000085.00

To: BROWN H LANIER II  
h1b@hfsllp.com

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## NOTICE OF ELECTRONIC FILING

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IN THE CIRCUIT COURT OF MACON COUNTY, ALABAMA

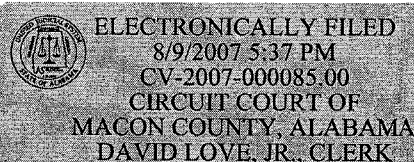
RELIA A. SCOTT AS ADM. OF THE ESTATE OF NATHAN BILLINS VS FORD MOTOR  
46-CV-2007-000085.00

The following discovery was FILED on 8/9/2007 5:37:01 PM

Notice Date: 8/9/2007 5:37:01 PM

DAVID LOVE, JR.  
CIRCUIT COURT CLERK  
MACON COUNTY, ALABAMA  
101 EAST NORTHSIDE STREET  
TUSKEGEE, AL 36083

334-724-2614  
david.love@alacourt.gov



**IN THE CIRCUIT COURT OF MACON COUNTY, ALABAMA**

RELIA ANN SCOTT, et al.,                     )  
   )  
                  **Plaintiffs,**                     )  
   )  
                  **v.**                                 ) **Civil Action No. 07-85**  
   )  
FORD MOTOR COMPANY, et al.,             )  
   )  
                  **Defendants.**                    )

**NOTICE OF SERVICE OF DISCOVERY DOCUMENTS**

TO: Circuit Court Clerk  
Macon County Courthouse

PLEASE TAKE NOTICE that the Defendant, FORD MOTOR COMPANY, has on this the 9<sup>th</sup> day of August, 2007, served the following discovery pleadings:

1. Requests for Admission to Plaintiff Susie M. Emmers;
2. Requests for Admission to Plaintiff Relia Ann Scott;
3. Requests for Admission to Plaintiff Linda Emmers;
4. Requests for Admission to Plaintiff Bonita Billings;
5. Requests for Admission to Plaintiff Arthur Billings;
6. Defendant Ford Motor Company's First Set of Interrogatories to the Plaintiffs;
7. Defendant Ford Motor Company's First Request for Production of Documents to Plaintiffs.

/s/ D. Alan Thomas  
D. Alan Thomas  
H. Lanier Brown, II  
Attorneys for Defendant,  
FORD MOTOR COMPANY

**OF COUNSEL:**

HUIE, FERNAMBUCQ & STEWART, LLP  
Three Protective Center  
2801 Highway 280 South, Suite 200  
Birmingham, AL 35223-2484  
Telephone: (205) 251-1193  
Telecopier: (205) 251-1256



**CERTIFICATE OF SERVICE**

I hereby certify that I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to those attorneys registered and I have placed a copy of the foregoing to the attorneys not set up for email notification in the United States Mail, postage prepaid and properly addressed, on this the 9<sup>th</sup> day of August, 2007.

Walter McGowan, Esq.  
GRAY, LANGFORD, SAPP, McGOWAN, GRAY,  
GRAY & NATHANSON, P.C.  
P. O. Box 830239  
Tuskegee, AL 36083-0239

Keith Blakemore d/b/a Car Care  
4703 A Plainfield  
Houston, TX 77036

Harold Holly Emmers, Jr.  
10830 Harvest Sun Drive  
Houston, TX 77064

/s/ D. Alan Thomas  
Of Counsel

**IN THE CIRCUIT COURT OF MACON COUNTY, ALABAMA**

<b>RELIA ANN SCOTT, et al.,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	<b>Civil Action No. 07-85</b>
	)	
<b>FORD MOTOR COMPANY, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**REQUESTS FOR ADMISSION TO PLAINTIFF**  
**LINDA EMMERS**

COMES NOW the Defendant, FORD MOTOR COMPANY ("Ford"), and requests the Plaintiff to admit or deny the following pursuant to Alabama Rule of Civil Procedure 36:

1. That you, in your individual capacity, seek to recover from these Defendants monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.

2. That you, in your individual capacity, do not seek to recover from these Defendants monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.

3. That the amount in controversy between the parties in this case is in excess of SEVENTY-FIVE THOUSAND AND NO/100 (\$75,000.00) exclusive of interest and costs.

4. That you, as duly appointed Administratrix and Personal Representative of the Estate of April Jones Emmers, seek to recover from these Defendants monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.

5. That you, duly appointed Administratrix and Personal Representative of the Estate of April Jones Emmers, do not seek to recover from these Defendants monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.

6. That you, in your individual capacity, seek to recover from these Defendants compensatory monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.

7. That you, in your individual capacity, do not seek to recover from these Defendants compensatory monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.

8. That you, in your individual capacity, seek to recover from these Defendants punitive monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.

9. That you, in your individual capacity, do not seek to recover from these Defendants punitive monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.

DONE this the 9<sup>th</sup> day of August, 2007.

Respectfully submitted,

/s/ D. Alan Thomas

D. Alan Thomas

H. Lanier Brown, II

John Isaac Southerland

Attorneys for Defendant,

FORD MOTOR COMPANY

**OF COUNSEL:**

HUIE, FERNAMBUCQ & STEWART, LLP  
Three Protective Center  
2801 Highway 280 South, Suite 200  
Birmingham, AL 35223-2484  
Telephone: (205) 251-1193  
Telecopier: (205) 251-1256

**CERTIFICATE OF SERVICE**

I hereby certify that I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to those attorneys registered and I have placed a copy of the foregoing to the attorneys not set up for email notification in the United States Mail, postage prepaid and properly addressed, on this the 9<sup>th</sup> day of August, 2007.

Walter McGowan, Esq.  
GRAY, LANGFORD, SAPP, McGOWAN, GRAY,  
GRAY & NATHANSON, P.C.  
P. O. Box 830239  
Tuskegee, AL 36083-0239

Keith Blakemore d/b/a Car Care  
4703 A Plainfield  
Houston, TX 77036

Harold Holly Emmers, Jr.  
10830 Harvest Sun Drive  
Houston, TX 77064

/s/ D. Alan Thomas  
Of Counsel

**IN THE CIRCUIT COURT OF MACON COUNTY, ALABAMA**

<b>RELIA ANN SCOTT, et al.,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	<b>Civil Action No. 07-85</b>
	)	
<b>FORD MOTOR COMPANY, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**REQUESTS FOR ADMISSION TO PLAINTIFF**  
**ARTHUR BILLINGS**

COMES NOW the Defendant, FORD MOTOR COMPANY ("Ford"), and requests the Plaintiff to admit or deny the following pursuant to Alabama Rule of Civil Procedure 36:

1. That you, in your individual capacity, seek to recover from these Defendants monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.
2. That you, in your individual capacity, do not seek to recover from these Defendants monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.
3. That the amount in controversy between the parties in this case is in excess of SEVENTY-FIVE THOUSAND AND NO/100 (\$75,000.00) exclusive of interest and costs.
4. That you, as next friend of B [REDACTED] B [REDACTED], seek to recover from these Defendants monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.
5. That you, as next friend of B [REDACTED] B [REDACTED], do not seek to recover from these

Defendants monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.

6. That you, in your individual capacity, seek to recover from these Defendants compensatory monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.

7. That you, in your individual capacity, do not seek to recover from these Defendants compensatory monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.

8. That you, in your individual capacity, seek to recover from these Defendants punitive monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.

9. That you, in your individual capacity, do not seek to recover from these Defendants punitive monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.

DONE this the 9<sup>th</sup> day of August, 2007.

Respectfully submitted,

/s/ Alan Thomas

D. Alan Thomas

H. Lanier Brown, II

John Isaac Southerland

Attorneys for Defendant,

FORD MOTOR COMPANY

**OF COUNSEL:**

HUIE, FERNAMBUCQ & STEWART, LLP  
Three Protective Center  
2801 Highway 280 South, Suite 200  
Birmingham, AL 35223-2484  
Telephone: (205) 251-1193  
Telecopier: (205) 251-1256

**CERTIFICATE OF SERVICE**

I hereby certify that I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to those attorneys registered and I have placed a copy of the foregoing to the attorneys not set up for email notification in the United States Mail, postage prepaid and properly addressed, on this the 9<sup>th</sup> day of August, 2007.

Walter McGowan, Esq.  
GRAY, LANGFORD, SAPP, McGOWAN, GRAY,  
GRAY & NATHANSON, P.C.  
P. O. Box 830239  
Tuskegee, AL 36083-0239

Keith Blakemore d/b/a Car Care  
4703 A Plainfield  
Houston, TX 77036

Harold Holly Emmers, Jr.  
10830 Harvest Sun Drive  
Houston, TX 77064

/s/ D. Alan Thomas

Of Counsel

**IN THE CIRCUIT COURT OF MACON COUNTY, ALABAMA**

<b>RELIA ANN SCOTT, et al.,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	<b>Civil Action No. 07-85</b>
	)	
<b>FORD MOTOR COMPANY, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**REQUESTS FOR ADMISSION TO PLAINTIFF SUSIE M. EMMERS**

COMES NOW the Defendant, FORD MOTOR COMPANY ("Ford"), and requests the Plaintiff to admit or deny the following pursuant to Alabama Rule of Civil Procedure 36:

1. That you seek to recover from these Defendants monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.
2. That you do not seek to recover from these Defendants monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.
3. That the amount in controversy between the parties in this case is in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.

DONE this the 9<sup>th</sup> day of August, 2007.

Respectfully submitted,

/s/ D. Alan Thomas

D. Alan Thomas

H. Lanier Brown, II

John Isaac Southerland

Attorneys for Defendant,

FORD MOTOR COMPANY



**OF COUNSEL:**

HUIE, FERNAMBUCQ & STEWART, LLP  
Three Protective Center  
2801 Highway 280 South, Suite 200  
Birmingham, AL 35223-2484  
Telephone: (205) 251-1193  
Telecopier: (205) 251-1256

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Walter McGowan, Esq.  
GRAY, LANGFORD, SAPP, McGOWAN, GRAY,  
GRAY & NATHANSON, P.C.  
P. O. Box 830239  
Tuskegee, AL 36083-0239

Keith Blakemore d/b/a Car Care  
4703 A Plainfield  
Houston, TX 77036

Harold Holly Emmers, Jr.  
10830 Harvest Sun Drive  
Houston, TX 77064

/s/ D. Alan Thomas  
Of Counsel

**IN THE CIRCUIT COURT OF MACON COUNTY, ALABAMA**

<b>RELIA ANN SCOTT, et al.,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	<b>Civil Action No. 07-85</b>
	)	
<b>FORD MOTOR COMPANY, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**REQUESTS FOR ADMISSION TO PLAINTIFF RELIA ANN SCOTT**

COMES NOW the Defendant, FORD MOTOR COMPANY ("Ford"), and requests the Plaintiff to admit or deny the following pursuant to Alabama Rule of Civil Procedure 36:

1. That you seek to recover from these Defendants monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.
2. That you do not seek to recover from these Defendants monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.
3. That the amount in controversy between the parties in this case is in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.

DONE this the 9<sup>th</sup> day of August, 2007.

Respectfully submitted,

/s/ D. Alan Thomas

D. Alan Thomas  
H. Lanier Brown, II  
John Isaac Southerland  
Attorneys for Defendant,  
FORD MOTOR COMPANY

**OF COUNSEL:**

HUIE, FERNAMBUCQ & STEWART, LLP  
Three Protective Center  
2801 Highway 280 South, Suite 200  
Birmingham, AL 35223-2484  
Telephone: (205) 251-1193  
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Walter McGowan, Esq.  
GRAY, LANGFORD, SAPP, McGOWAN, GRAY,  
GRAY & NATHANSON, P.C.  
P. O. Box 830239  
Tuskegee, AL 36083-0239

Keith Blakemore d/b/a Car Care  
4703 A Plainfield  
Houston, TX 77036

Harold Holly Emmers, Jr.  
10830 Harvest Sun Drive  
Houston, TX 77064

/s/ D. Alan Thomas  
Of Counsel

**DEFENDANT'S**

**EXHIBIT C**

**IN THE CIRCUIT COURT OF MACON COUNTY, ALABAMA**

<b>RELIA ANN SCOTT, et al.,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	<b>Civil Action No. 07-85</b>
	)	
<b>FORD MOTOR COMPANY, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**REQUESTS FOR ADMISSION TO PLAINTIFF**  
**BONITA BILLINGS**

COMES NOW the Defendant, FORD MOTOR COMPANY ("Ford"), and requests the Plaintiff to admit or deny the following pursuant to Alabama Rule of Civil Procedure 36:

1. That you, in your individual capacity, seek to recover from these Defendants monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.

2. That you, in your individual capacity, do not seek to recover from these Defendants monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.

3. That the amount in controversy between the parties in this case is in excess of SEVENTY-FIVE THOUSAND AND NO/100 (\$75,000.00) exclusive of interest and costs.

4. That you, as next friend of B [REDACTED] B [REDACTED], seek to recover from these Defendants monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.

5. That you, as next friend of B [REDACTED] B [REDACTED], do not seek to recover from these

Defendants monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.

6. That you, in your individual capacity, seek to recover from these Defendants compensatory monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.

7. That you, in your individual capacity, do not seek to recover from these Defendants compensatory monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.

8. That you, in your individual capacity, seek to recover from these Defendants punitive monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.

9. That you, in your individual capacity, do not seek to recover from these Defendants punitive monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.

DONE this the 13th day of August, 2007.

Respectfully submitted,

/s/ D. Alan Thomas

D. Alan Thomas

H. Lanier Brown, II

John Isaac Southerland

Attorneys for Defendant,

FORD MOTOR COMPANY

**OF COUNSEL:**

HUIE, FERNAMBUCQ & STEWART, LLP  
Three Protective Center  
2801 Highway 280 South, Suite 200  
Birmingham, AL 35223-2484  
Telephone: (205) 251-1193  
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Walter McGowan, Esq.  
GRAY, LANGFORD, SAPP, McGOWAN, GRAY,  
GRAY & NATHANSON, P.C.  
P. O. Box 830239  
Tuskegee, AL 36083-0239

Keith Blakemore d/b/a Car Care  
4703 A Plainfield  
Houston, TX 77036

Harold Holly Emmers, Jr.  
10830 Harvest Sun Drive  
Houston, TX 77064

/s/ D. Alan Thomas  
Of Counsel

# **DEFENDANT'S EXHIBIT E**



IN THE CIRCUIT COURT OF MACON COUNTY, ALABAMA

RELIA ANN SCOTT, et al.,

Plaintiffs,

v.

FORD MOTOR COMPANY, et al.,

Defendants.

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Civil Action No. 07-85

FILED IN  
CIRCUIT CLERKS OFFICE  
MACON COUNTY, ALA  
2007 SEP 10 P 1:27  
DAVID LOVE  
CLERK

**PLAINTIFF LINDA EMMERS' RESPONSES**  
**TO FORD MOTOR COMPANY'S REQUESTS FOR ADMISSION**

COMES NOW the Plaintiff, Linda Emmers, and responds to the requests for admission propounded upon her by Defendant Ford Motor Company as follows:

1. That you, your individual capacity, seek to recover from these Defendants monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.

RESPONSE: Admit, although Plaintiff has not pled a specific amount for such damages.

2. That you, in your individual capacity, do not seek to recover from these Defendants monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.

RESPONSE: Deny, although Plaintiff has not pled a specific amount for such damages.

3. That the amount in controversy between the parties in this case is in excess of SEVENTY-FIVE THOUSAND AND NO/100 (\$75,000.00) exclusive of interest and costs.

RESPONSE: Admit.

4. That you, as duly appointed Administratrix and Personal Representative of the Estate of April Jones Emmers, seek to recover from these Defendants monetary damages in this case in

excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.

RESPONSE: Deny. Susie M. Emmers is the administratrix.

5. That you, duly appointed Administratrix and Personal Representative of the Estate of April Jones Emmers, do not seek to recover from these Defendants monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.

RESPONSE: Admit. Susie M. Emmers is the administratrix.

6. That you, in your individual capacity, seek to recover from these Defendants compensatory monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.

RESPONSE: Admit, although Plaintiff has not pled a specific amount for such damages.

7. That you, in your individual capacity, do not seek to recover from these Defendants compensatory monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.

RESPONSE: Deny, although Plaintiff has not pled a specific amount for such damages.

8. That you, in your individual capacity, seek to recover from these Defendants punitive monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.

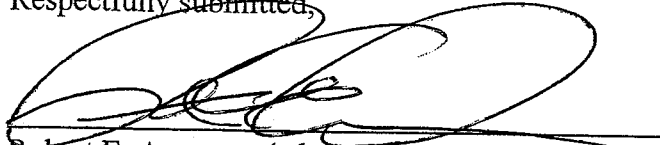
RESPONSE: Admit, although Plaintiff has not pled a specific amount for such damages.

9. That you, in your individual capacity, do not seek to recover from these Defendants punitive monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.

RESPONSE: Deny, although Plaintiff has not pled a specific amount for such damages.

DONE this the 7 day of September, 2007.

Respectfully submitted,



Robert E. Ammons (admitted pro hac vice)  
The Ammons Law Firm  
3700 Montrose Boulevard  
Houston, Texas 77006  
Telephone: 713-523-1606  
Facsimile: 713-523-4159

Walter McGowan (MCG016)  
Gray, Langford, Sapp, McGowan, Gray,  
Gray & Nathanson, P.C.  
Post Office Box 830239  
Tuskegee, Alabama 36083-0239  
Telephone: 334-727-4830  
Facsimile: 334-727-5877

Attorneys for Plaintiffs

### CERTIFICATE OF SERVICE

I hereby certify that I have filed the foregoing with the Clerk of the Court and have placed a copy of the foregoing to the attorneys/parties below through e-filing or by United States Mail, postage prepaid and properly addressed, on this the 7 day of September, 2007.

D. Alan Thomas  
Huie, Fernambucq & Stewart, LLP  
Three Protective Center  
2801 Highway 280 South, Suite 200  
Birmingham, AL 35223-2484

Harold Holly Emmers, Jr.  
10830 Harvest Sun Drive  
Houston, TX 77064

Keith Blakemore d/b/a Car Care  
4703 A Plainfield  
Houston, TX 77036



Robert E. Ammons  
Of Counsel

IN THE CIRCUIT COURT OF MACON COUNTY, ALABAMA

RELIA ANN SCOTT, et al.,

Plaintiffs,

v.

FORD MOTOR COMPANY, et al.,

Defendants.

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Civil Action No. 07-85

DAVID LOVE  
CLERK

2007 SEP 10 P 1:27

FILED IN  
CIRCUIT CLERKS OFFICE  
MACON COUNTY, AL

**PLAINTIFF SUSIE M. EMMERS' RESPONSES  
TO FORD MOTOR COMPANY'S REQUESTS FOR ADMISSION**

COMES NOW the Plaintiff, Susie M. Emmers, and responds to the requests for admission propounded upon her by Defendant Ford Motor Company as follows:

1. That you seek to recover from these Defendants monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.

RESPONSE: As administratrix of the estate of April Jones Emmers, admit, although Plaintiff has not pled a specific amount for such damages.

2. That you do not seek to recover from these Defendants monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.

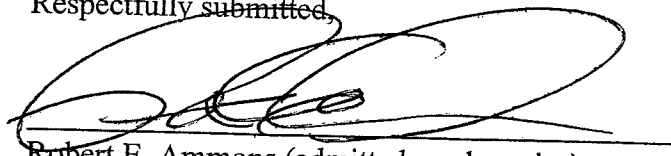
RESPONSE: As administratrix of the estate of April Jones Emmers, deny, although Plaintiff has not pled a specific amount for such damages.

3. That the amount in controversy between the parties in this case is in excess of SEVENTY-FIVE THOUSAND AND NO/100 (\$75,000.00) exclusive of interest and costs.

RESPONSE: Admit.

DONE this the 7 day of September, 2007.

Respectfully submitted,



Robert E. Ammons (admitted pro hac vice)  
The Ammons Law Firm  
3700 Montrose Boulevard  
Houston, Texas 77006  
Telephone: 713-523-1606  
Facsimile: 713-523-4159

Walter McGowan (MCG016)  
Gray, Langford, Sapp, McGowan, Gray,  
Gray & Nathanson, P.C.  
Post Office Box 830239  
Tuskegee, Alabama 36083-0239  
Telephone: 334-727-4830  
Facsimile: 334-727-5877

Attorneys for Plaintiffs

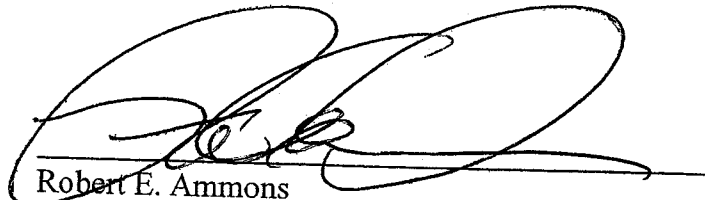
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D. Alan Thomas  
Huie, Fernambucq & Stewart, LLP  
Three Protective Center  
2801 Highway 280 South, Suite 200  
Birmingham, AL 35223-2484

Harold Holly Emmers, Jr.  
10830 Harvest Sun Drive  
Houston, TX 77064

Keith Blakemore d/b/a Car Care  
4703 A Plainfield  
Houston, TX 77036



Robert E. Ammons  
Of Counsel

IN THE CIRCUIT COURT OF MACON COUNTY, ALABAMA

RELIA ANN SCOTT, et al.,

Plaintiffs,

v.

FORD MOTOR COMPANY, et al.,

Defendants.

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Civil Action No. 07-85

DAVID LOVE  
CLERK

FILED IN  
CIRCUIT CLERKS OFFICE  
MACON COUNTY, AL  
2007 SEP 10 PM 1:27

**PLAINTIFF BONITA BILLINGS' RESPONSES  
TO FORD MOTOR COMPANY'S REQUESTS FOR ADMISSION**

COMES NOW the Plaintiff, Bonita Billings, and responds to the requests for admission propounded upon her by Defendant Ford Motor Company as follows:

1. That you, your individual capacity, seek to recover from these Defendants monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.

RESPONSE: Admit, although Plaintiff has not pled a specific amount for such damages.

2. That you, in your individual capacity, do not seek to recover from these Defendants monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.

RESPONSE: Deny, although Plaintiff has not pled a specific amount for said damages.

3. That the amount in controversy between the parties in this case is in excess of SEVENTY-FIVE THOUSAND AND NO/100 (\$75,000.00) exclusive of interest and costs.

RESPONSE: Admit.

4. That you, as next friend of Bonita B. [REDACTED] seek to recover from these Defendants monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100

(\$75,000.00) exclusive of interest and costs.

RESPONSE: Admit, although Plaintiff has not pled a specific amount for such damages.

5. That you, as next friend of B [REDACTED] B [REDACTED] do not seek to recover from these Defendants monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.

RESPONSE: Deny, although Plaintiff has not pled a specific amount for such damages.

6. That you, in your individual capacity, seek to recover from these Defendants compensatory monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.

RESPONSE: Admit, although Plaintiff has not pled a specific amount for such damages..

7. That you, in your individual capacity, do not seek to recover from these Defendants compensatory monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.

RESPONSE: Deny, although Plaintiff has not pled a specific amount for such damages.

8. That you, in your individual capacity, seek to recover from these Defendants punitive monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.

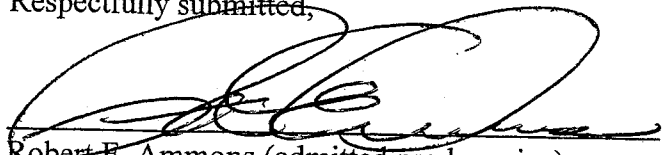
RESPONSE: Admit, although Plaintiff has not pled a specific amount for such damages.

9. That you, in your individual capacity, do not seek to recover from these Defendants punitive monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.

RESPONSE: Deny, although Plaintiff has not pled a specific amount for such damages.

DONE this the 7 day of September, 2007.

Respectfully submitted,



Robert E. Ammons (admitted pro hac vice)  
The Ammons Law Firm  
3700 Montrose Boulevard  
Houston, Texas 77006  
Telephone: 713-523-1606  
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Walter McGowan (MCG016)  
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Attorneys for Plaintiffs

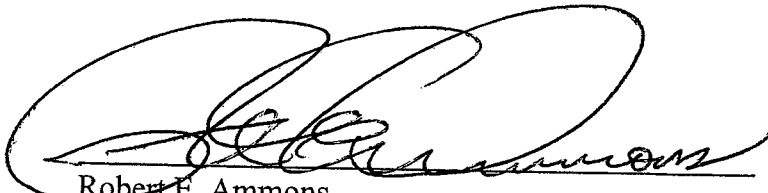
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D. Alan Thomas  
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4703 A Plainfield  
Houston, TX 77036



Robert E. Ammons  
Of Counsel



IN THE CIRCUIT COURT OF MACON COUNTY, ALABAMA

RELIA ANN SCOTT, et al.,

Plaintiffs,

v.

FORD MOTOR COMPANY, et al.,

Defendants.

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Civil Action No. 07-85

DAVID LOVE  
CIRCUIT CLERK

2007 SEP 10 P 1:27

FILED IN  
CIRCUIT CLERKS OFFICE  
MACON COUNTY, AL

**PLAINTIFF ARTHUR BILLINGS' RESPONSES**  
**TO FORD MOTOR COMPANY'S REQUESTS FOR ADMISSION**

COMES NOW the Plaintiff, Arthur Billings, and responds to the requests for admission propounded upon him by Defendant Ford Motor Company as follows:

1. That you, your individual capacity, seek to recover from these Defendants monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.

RESPONSE: Admit, although Plaintiff has not pled a specific amount for said damages.

2. That you, in your individual capacity, do not seek to recover from these Defendants monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.

RESPONSE: Deny, although Plaintiff has not pled a specific amount for said damages.

3. That the amount in controversy between the parties in this case is in excess of SEVENTY-FIVE THOUSAND AND NO/100 (\$75,000.00) exclusive of interest and costs.

RESPONSE: Admit.

4. That you, as next friend of B [REDACTED] B [REDACTED], seek to recover from these Defendants monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100

(\$75,000.00) exclusive of interest and costs.

RESPONSE: Admit, although Plaintiff has not pled a specific amount for said damages.

5. That you, as next friend of B [REDACTED] B [REDACTED] do not seek to recover from these Defendants monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.

RESPONSE: Deny, although Plaintiff has not pled a specific amount for said damages.

6. That you, in your individual capacity, seek to recover from these Defendants compensatory monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.

RESPONSE: Admit, although Plaintiff has not pled a specific amount for said damages.

7. That you, in your individual capacity, do not seek to recover from these Defendants compensatory monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.

RESPONSE: Deny, although Plaintiff has not pled a specific amount for said damages.

8. That you, in your individual capacity, seek to recover from these Defendants punitive monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.

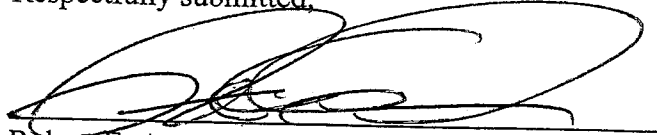
RESPONSE: Admit, although Plaintiff has not pled a specific amount for said damages.

9. That you, in your individual capacity, do not seek to recover from these Defendants punitive monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.

RESPONSE: Deny, although Plaintiff has not pled a specific amount for said damages.

DONE this the 7 day of September, 2007.

Respectfully submitted,



Robert E. Ammons (admitted pro hac vice)  
The Ammons Law Firm  
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Telephone: 334-727-4830  
Facsimile: 334-727-5877

Attorneys for Plaintiffs

### CERTIFICATE OF SERVICE

I hereby certify that I have filed the foregoing with the Clerk of the Court and have placed a copy of the foregoing to the attorneys/parties below through e-filing or by United States Mail, postage prepaid and properly addressed, on this the 7 day of September, 2007.

D. Alan Thomas  
Huie, Fernambucq & Stewart, LLP  
Three Protective Center  
2801 Highway 280 South, Suite 200  
Birmingham, AL 35223-2484

Harold Holly Emmers, Jr.  
10830 Harvest Sun Drive  
Houston, TX 77064

Keith Blakemore d/b/a Car Care  
4703 A Plainfield  
Houston, TX 77036



Robert E. Ammons  
Of Counsel

IN THE CIRCUIT COURT OF MACON COUNTY, ALABAMA

RELIA ANN SCOTT, et al.,

Plaintiffs,

v.

FORD MOTOR COMPANY, et al.,

Defendants.

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Civil Action No. 07-85

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FILED IN  
CIRCUIT CLERKS OFFICE  
MACON COUNTY, AL

**PLAINTIFF RELIA ANN SCOTT'S RESPONSES  
TO FORD MOTOR COMPANY'S REQUESTS FOR ADMISSION**

COMES NOW the Plaintiff, Relia Ann Scott, and responds to the requests for admission propounded upon her by Defendant Ford Motor Company as follows:

1. That you seek to recover from these Defendants monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.

RESPONSE: In my capacity as administratrix of the estate of Nathan Billings, admit, although Plaintiff has not pled a specific amount for such damages.

2. That you do not seek to recover from these Defendants monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.

RESPONSE: In my capacity as administratrix of the estate of Nathan Billings, deny, although Plaintiff has not pled a specific amount for such damages.

3. That the amount in controversy between the parties in this case is in excess of SEVENTY-FIVE THOUSAND AND NO/100 (\$75,000.00) exclusive of interest and costs.

RESPONSE: Admit.

DONE this the 7 day of September, 2007.

Respectfully submitted,



Robert E. Ammons (admitted pro hac vice)  
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Attorneys for Plaintiffs

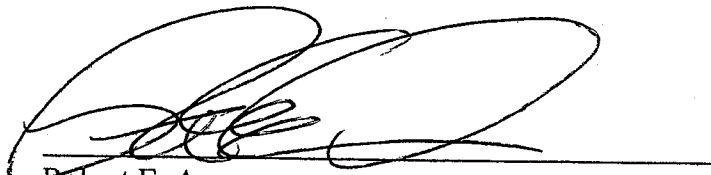
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Robert E. Ammons  
Of Counsel

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Case/Party: D-ALM-3-07-CV-000901-001  
Amount: \$350.00

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Check/Money Order Num: 126460  
Amt Tendered: \$350.00

Total Due: \$350.00  
Total Tendered: \$350.00  
Change Amt: \$0.00

Relia Ann Scott et al V. Ford Motor  
Company et al